United Nations

S/PV.6775

Security Council

Sixty-seventh year

Provisional

6775th meeting

Tuesday, 29 May 2012, 10 a.m.
New York

President:	Mr. Mehdiyev	(Azerbaijan)
Members:	China	Mr. Wang Min
	Colombia	Mr. Alzate
	France	Mr. Briens
	Germany	Mr. Wittig
	Guatemala	Mr. Briz Gutiérrez
	India	Mr. Kumar
	Morocco	Mr. Kadiri
	Pakistan	Mr. Tarar
	Portugal	Mr. Moraes Cabral
	Russian Federation	Mr. Churkin
	South Africa	Mr. Sangqu
	Togo	Mr. Menan
	United Kingdom of Great Britain and Northern Ireland	Sir Mark Lyall Grant
	United States of America	Mrs. DiCarlo

Agenda

The situation in the Middle East, including the Palestinian question

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The meeting was called to order at 10.05 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East, including the Palestinian question

The President: Under rule 39 of the Council's provisional rules of procedure, I invite Mr. Robert Serry, Special Coordinator for the Middle East Peace Process, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I now give the floor to Mr. Serry.

Mr. Serry: The past month has been characterized by several challenging events that have the potential to destabilize the situation on the ground. Yet each has been overcome for now, and we are possibly moving in a more positive direction.

Following the Quartet meeting of 11 April, the parties exchanged letters in which they outlined their respective requirements for direct talks to continue. The Palestinians delivered a letter on 17 April and the Israelis responded on 12 May. The exchange was kept confidential and led to quiet direct engagement, with limited international involvement, which should be welcomed and encouraged. The Quartet envoys will further engage with both sides to encourage them to seize this opportunity to take mutually reinforcing confidence-building measures that support a continuation of their quiet engagement.

In parallel, however, a series of developments threatened to inflame tensions. The hunger strike by more than 1,500 Palestinian prisoners in Israeli custody, which started on 17 April to protest prisoner conditions and the application of administrative detentions, was resolved on 14 May. We are pleased that Israel has taken steps to address the concerns of prisoners related to the use of solitary confinement, family visits and the practice of administrative detention, which should be used only in the most limited number of cases and for as short a period as possible. We understand that Israel is also to deliver the remains of 100 Palestinians buried in Israeli-controlled areas.

The agreement reflects the positive impact of the quiet direct engagement between the Palestinian Authority and Israel. The Secretary-General and I have been engaged from the beginning and indicated our concern for the health of the prisoners. We welcome the foresight of both parties that enabled them to reach the agreement, which we hope will continue to be implemented in full. We also commend the important role played by Egypt in brokering the deal. However, we are still concerned by reports about a few prisoners continuing their hunger strike, one of them in critical condition, and hope for a speedy resolution of those cases as well.

The prisoner agreement was reached on the eve of 15 May, the day the Palestinians commemorate as the beginning of the refugee experience, which last year resulted in considerable violence and loss of life. Instead, the events of the day were relatively contained, with Palestinian and Israeli security forces heavily deployed to prevent confrontation. The Lebanese Armed Forces were also prepared to prevent demonstrations from approaching the Blue Line. Clashes did occur, however, between Palestinian protesters and Israeli forces, resulting in injuries, mostly at checkpoints around Jerusalem.

Some clashes and arrests also took place in East Jerusalem on 20 May, on what the Israeli Government regards as Jerusalem Day, marking what Israel considers to be the unification of occupied East Jerusalem. Israeli police arrested 10 Israeli demonstrators, as well as five Palestinians. A Palestinian man was also seriously injured after allegedly attempting to stab an Israeli soldier near the Gush Etzion junction, south of Bethlehem. On 15 and 20 May, the two sides acted in a way that averted an escalation of tensions.

Simultaneously, significant internal political changes occurred. On the Israeli side, Prime Minister Netanyahu struck a deal with the opposition Kadima Party to join his coalition Government on 8 May. The new governing coalition now includes 94 of the 120 members of the Knesset. Prime Minister Netanyahu has stated that the new coalition allows him to promote a "responsible peace process." The Secretary-General sees this as a new opportunity for the Government of Israel to embark on a meaningful renewal of the peace process with vision and determination and in the aim of resolving all final status issues and realizing the vision of two States living side by side in peace and security, resulting in the long overdue establishment of the Palestinian State.

On the Palestinian side, President Abbas reshuffled the Cabinet and on 16 May swore in Prime Minister Fayyad and 24 ministers. He immediately tasked them with implementing his decree calling for long overdue municipal elections. The Presidential decree establishing the Government, as well as the Prime Minister's letter of acceptance, made clear that the new Cabinet did not prejudge the outcome of ongoing efforts at Palestinian reconciliation.

Four days later, on 20 May, Palestinian leaders announced a new formula for progress on reconciliation achieved with the assistance of Egyptian mediation. As part of the agreement and as we speak, the Palestinian Central Election Commission is in Gaza to ascertain whether it will be enabled to update the voter registration lists in Gaza, which is expected to take six to eight weeks. On 28 May, the head of the Election Commission met with senior Hamas leaders in Gaza and announced that the Committee will resume its operations in three days. We expect the de facto authorities to extend their full cooperation to enable voter registration in Gaza. We understand that a 10-day period is expected to start simultaneously for the formation of a new transitional technocratic Government for the duration of six months. A transitional Government, once established, will then prepare for general elections and focus on the reconstruction of Gaza.

Progress on reconciliation remains a fundamental aspect of peace, as a unified Palestinian polity is central to realizing a two-State solution. On 11 April, while reaffirming its previous positions, the Quartet also underscored that the situation in and around Gaza would remain fragile and unsustainable as long as the West Bank and Gaza are not reunited under the legitimate Palestinian Authority adhering to the commitments undertaken by the Palestine Liberation Organization (PLO).

Bearing in mind resolutions 1850 (2008) and 1860 (2009), the Secretary-General has continually supported efforts for Palestinian unity and the work of Egypt in this regard. The Secretary-General wishes to see unity in the framework of the positions of the Quartet and the commitments of the PLO and the Arab Peace Initiative. As he reiterated in his phone call with President Abbas after the Doha Declaration was adopted in February, peace talks and reconciliation are not mutually exclusive. Progress in one must not undermine the other.

During the reporting period, settlement activity continued. On 24 April, the Government of Israel announced the intention to retroactively legalize three settlement outposts in the West Bank towns of Sansana, Bruchin and Rechalim. On 30 April, Jerusalem City Hall submitted plans to the Jerusalem Planning and Building Committee for an additional 1,200 hotel rooms in Givat Hamatos in East Jerusalem. On 10 May, plans for the construction of 1,242 units in the Gilo neighbourhood of East Jerusalem were announced, extending Gilo into surrounding Palestinian areas. These actions are contrary to international law and Israel's commitments under the Road Map, and should stop. Demolitions also continued during the reporting period, albeit at a slower rate.

Clashes between Israeli settlers and Palestinians have also continued in the West Bank. Settler attacks resulted in 11 Palestinians, including four children, being injured. On 19 and 26 May, two Palestinians from different villages were reportedly injured by live fire from inhabitants of Yitzhar settlement, south of Nablus. Settler attacks on Palestinian property, including agricultural land, resulted in over 1,300 trees being damaged. Palestinian attacks on Israelis in the West Bank, mostly consisting of stone throwing at Israeli vehicles, also continued during the reporting period and resulted in one Israeli injury. On 20 May, Israeli security forces announced the arrest of Palestinians attempting to kidnap Israelis in the West Bank in order to negotiate the release of Palestinian prisoners in Israeli jails.

During the reporting period, citing security concerns, Israel Defense Forces (IDF) conducted 306 operations in the West Bank, during which 725 Palestinians were injured, including 44 children, while 284 Palestinians were arrested. Nine IDF soldiers were injured by Palestinians. The bulk of injuries and detentions occurred during daily Palestinian demonstrations in support of Palestinian prisoners on hunger strike in Israeli jails until the prisoner agreement was reached on 14 May. On 20 May, an Israeli military court convicted Bassem Tamimi on charges of taking part in illegal demonstrations and soliciting protesters to throw stones. These charges related to demonstrations against the barrier, which deviates from the Green Line in contravention of the advisory opinion of the International Court of Justice. I take this opportunity to reiterate that the right of peaceful protest must be upheld and that all protests should be kept strictly non-violent.

Palestinian security forces continued work to maintain law and order in the West Bank within the framework of Palestinian Authority obligations under the first phase of the Road Map. On 27 April, Palestinian security forces safely dismantled two unexploded devices near Jenin. On 5 and 6 May, Palestinian forces conducted a large security operation in Jenin to restore order, and arrested some 60 suspects following shots fired against the residence of the Governor on 2 May and his death from a heart attack the next day. To carry out their important mission in an effective manner, Palestinian security forces must be adequately equipped, including by maintaining an appropriate type and amount of weapons and ammunition under their control.

Further to our expressed concern regarding transparent enforcement of the law, on 29 April the Palestinian Attorney General confirmed that, for several months and upon his instruction, the main Palestinian Internet providers prevented clients from accessing some Palestinian news websites. On 5 May, President Abbas formally reversed this order and gave public assurances that freedom of opinion and expression are natural rights enshrined in the Palestinian Basic Law.

In Gaza, a relative calm prevailed during the reporting period. A total of 11 rockets were fired from Gaza into Israel, while Israel Defense Forces conducted seven incursions and two airstrikes into Gaza, resulting in the injury of 10 Palestinian civilians. Six Palestinians were killed and six were injured in tunnel-related activities. We condemn indiscriminate rocket attacks from Gaza into Israel and continue to call for their complete cessation. We also urge Israel to show maximum restraint.

On 13 May, a Gaza court rejected an appeal against the death penalty for a Palestinian convicted of murder in April 2011, bringing the number of death sentences confirmed in Gaza this year to five. The sentence has not been approved by President Abbas, as required by the Palestinian Basic Law. We call on Hamas to reconsider its position, exhibit respect for the international community's firm rejection of the death penalty, and abolish its use in Gaza.

Reconstruction and economic growth in the Gaza Strip remain fundamental objectives of the United Nations. The total value of approved United Nations works in the Gaza Strip involving potential dual-use materials that require Israel's approval now exceeds $365 million, with $96 million-worth of projects still under Israeli review. This means that United Nations agencies are now enabled to play a major role in international efforts for priority recovery and reconstruction in Gaza.

Much more needs to be done, however. The United Nations continues to urge Israel to allow the unrestricted import of key building materials and particularly aggregate, iron bar and cement — the "ABC" of Gaza reconstruction — which are now also substantially and illegally imported through tunnels with Egypt. In the absence of such a change, it will be important to maintain a flow of approvals for further reconstruction works in the Gaza Strip.

Gaza's recovery and long-term economic growth remain a fundamental objective of the United Nations. Transfers to the West Bank and exports to Israel are essential in this regard. The recent export of a truckload of shirts to the United Kingdom represents an important broadening of the type of goods being exported from the Gaza Strip. As of 19 May, a total of 150 truckloads of goods have been exported from the Gaza Strip this year. This is a positive step, and I hope that exports from Gaza will continue to grow.

Gaza continues to suffer from a shortage of electricity. While the situation has improved slightly since the last briefing (see S/PV.6742), further improvements are required to ensure that the energy supply is both sufficient and reliable. The United Nations remains engaged on this issue, including through the replacement of four destroyed transformers, a measure that will enhance the ability of the Gaza power plant to feed the electricity grid.

In Lebanon, the situation in the United Nations Interim Force in Lebanon area of operations has remained generally quiet. On 30 April, the Israel Defense Forces (IDF) commenced work on a wall to replace the existing technical fence south of the Blue Line in the sensitive area of Kafr Kela, as agreed by the parties. Air violations by the IDF continued on an almost daily basis.

The general situation in Lebanon has been volatile over the past month. Despite the Government's efforts to maintain its policy of disassociation from the situation in Syria, a number of incidents have heightened concerns over the impact of the Syrian crisis.

The security situation in the northern town of Tripoli remains of concern following the clashes that erupted on

12 May between the predominantly Sunni and Allawite neighbourhoods of Bab al-Tabbaneh and Jebel Mohsen. The fighting continued for several days and left at least 10 people dead and several dozen injured.

On 20 May, two Sunni sheikhs were killed by Lebanese Armed Forces soldiers at a checkpoint in the northern Akkar region. The incident prompted protests throughout the country. Clashes also erupted between different Sunni groups in a Beirut neighbourhood in which at least two people died and several were injured. Two days later, as news spread of the abduction in Syria of Lebanese pilgrims returning from Iran, protests also began in the southern suburbs of Beirut. Leaders from across the political spectrum appealed for calm and engaged in efforts to secure the release of the hostages. Although reports indicated that they were being set free and returned to Lebanon on 25 May, efforts remain under way at present to ensure their release.

Against that backdrop, there has been some momentum towards a resumption of national dialogue in Lebanon. President Sleiman has indicated that he intends to reconvene political leaders for a renewed dialogue early next month, which Speaker Berri, Prime Minister Mikati and others have welcomed. The initiative also has the active support of Saudi King Abdullah Bin Abdulaziz Al-Saud. In addition, throughout the past two weeks, the United Nations Special Coordinator for Lebanon, Derek Plumbly, has been in continuous contact with leaders across the political spectrum, encouraging dialogue and restraint.

More than 26,000 Syrian refugees currently receive assistance in Lebanon. The United Nations continues to coordinate closely with the Government of Lebanon on the provision of assistance to those refugees.

The violence and continued killing in Syria continue to be of extreme concern to the Secretary-General, and the peaceful resolution of the crisis is a priority focus for the United Nations as a whole. The Council has been extensively briefed in the past few days, through two letters of the Secretary-General on 25 and 27 May and a briefing by Under-Secretary-General Ladsous and General Mood regarding the horrific events in Al-Houla. I will therefore not address the situation in Syria in my remarks today. Deputy Joint Special Envoy Guéhenno and Under-Secretary-General for Peacekeeping Operations Ladsous will brief the Council again tomorrow and provide further details on the latest developments and on our efforts.

In conclusion, in this briefing I have drawn the attention of the Council to a few positive trends that, if sustained, will offer renewed hope for progress. On the ground, the situation could have worsened, and the parties' concerted efforts to avert this are encouraging. The quiet, direct engagement within the framework of the exchange of letters is positive as well. The outcome of recent reconciliation efforts, on which I have reported, is still uncertain, but in the end there can be no two-State solution without Palestinian unity being restored consistent with that goal. The parties must now also be willing to take the much-needed steps to capitalize on the potential for progress. This is important, because while the potential for progress exists, the situation remains fragile and uncertain.

From my vantage point in Jerusalem, where I closely follow events on the ground and in the region, I disagree with those who argue that the significant change and uncertainty in the region brought about by the Arab awakening means that this is not the time for progress. On the contrary, the search for a lasting peace that ends the Arab-Israeli conflict and resolves all claims is, in my view, more urgent than ever, because after almost 20 years of failed peacemaking the very viability of a two-State solution is at stake. If the parties do not grasp the current opportunity, they should realize that the implication is not merely the slowing of progress towards a two-State solution. Instead, we could be moving down a path towards a one-State reality, which would also move us further away from regional peace in the spirit of the Arab Peace Initiative.

I sincerely hope that the parties will find a way forward in the coming months, and I pledge the continued commitment of the United Nations to work for a comprehensive resolution of the Arab-Israeli conflict on the basis of Security Council resolutions; the Madrid principles, including land for peace; the road map; and the agreements previously reached between the parties.

The President: I thank Mr. Serry for his briefing.

I now invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 10.25 a.m.

United Nations S/PV.6776

Security Council

Sixty-seventh year

Provisional

6776th meeting

Tuesday, 29 May 2012, 3 p.m.
New York

President:	Mr. Mehdiyev	(Azerbaijan)
Members:	China	Mr. Wang Min
	Colombia	Mr. Alzate
	France	Mrs. Le Fraper du Hellen
	Germany	Mr. Eick
	Guatemala	Mr. Briz Gutiérrez
	India	Mr. Hardeep Singh Puri
	Morocco	Mr. Loulichki
	Pakistan	Mr. Tarar
	Portugal	Mr. Moraes Cabral
	Russian Federation	Mr. Pankin
	South Africa	Mr. Sangqu
	Togo	Mr. Mbeou
	United Kingdom of Great Britain and Northern Ireland	Sir Mark Lyall Grant
	United States of America	Mrs. DiCarlo

Agenda

The situation in the Middle East

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The meeting was called to order at 3.05 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East

The President: Under rule 37 of the Council's provisional rules of procedure, I invite the representative of Yemen to participate in this meeting.

Under rule 39 of the Council's provisional rules of procedure, I invite Mr. Jamal Benomar, Special Adviser to the Secretary-General for Yemen, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I now give the floor to Mr. Benomar.

Mr. Benomar: The political transition in Yemen has recently entered its sixth month since the signing of the transition agreement on 23 November 2011 in Riyadh. The Yemeni sides have made much progress in implementing the agreement and resolution 2014 (2011). The formation of the Government of national unity, the beginning of the restructuring of the armed forces and the holding of presidential elections in February, with overwhelming public support, secured a peaceful transfer of power and marked the successful completion of the first phase of Yemen's transition. Those steps, combined with the recent launch of initial preparations for an all-inclusive national dialogue conference, indicate that Yemen's transition remains largely on track.

Since assuming office, President Abdrabuh Mansour Hadi Mansour has shown strong leadership and determination to lead the country through the transition. The President has continued to take important steps to advance the transition. His efforts have received the overwhelming support and goodwill of the Yemenis. In that context, he began the process of reform of the military and the security services by issuing several decrees announcing the appointment of commanders to new positions. The Military Affairs Committee established under the transition agreement has made considerable progress in demilitarizing urban areas despite many difficulties. Most checkpoints and battle positions in Sana'a and Taiz have been removed.

That said, the transition of Yemen is taking place against a backdrop of serious security concerns, an unprecedented humanitarian crisis and many unresolved conflicts. The timeline for the transition is very tight, and there is no time to lose. One of Yemen's key challenges is to assert the authority of the State in an environment that is dominated by a multitude of armed non-State actors competing for power. Al-Qaida, in particular, continues to pose a major threat. However, President Mansour's efforts to combat its advance in the south and elsewhere are beginning to bear fruit.

During my eleventh good offices mission to Yemen, from 18 to 30 April, new tensions arose as a result of President Mansour's decisions to replace the Commander of the Air Force, Mohammed Saleh Al-Ahmar, a half-brother of former President Saleh, and the Commander of the Presidential Guard, Tariq Saleh, former President Saleh's nephew. Their refusal to follow the President's instructions to move to other positions created a dangerous situation.

During the mission, I worked very closely with President Mansour and met former President Saleh and his son, Ahmed Ali, Commander of the Republican Guard, several times to help defuse the stand-off. Finally, we reached an agreement to allow for the handover to take place, and I personally witnessed the handover ceremony of both the Air Force Command and the Third Battalion.

However, I regret that, after my departure and as of today, open defiance and a stand-off continue to prevent the Colonel appointed by the President from leading the Third Battalion. It should be noted that the Third Battalion is one of the best equipped and resourced military units in Yemen and is located next to the presidential compound in the heart of the capital, Sana'a.

Such developments demonstrate that the underlying causes of tensions remain in place. Obstructionist moves to impede President Mansour's reorganization and control of the military and security forces could derail Yemen's fragile transition process and result in serious instability. All efforts must be made to keep the transition on track.

The planned national dialogue conference could be an essential step towards that end. If it is well prepared and gains legitimacy, in the eyes of all Yemeni constituencies, as a forum for shaping the framework of Yemen's future, it could become an important vehicle for democratic empowerment and for creating a positive political dynamic in the country towards greater stability and security.

The main parameters for the national dialogue process are outlined in the transition agreement. On the basis of consultations with all national constituencies, we have identified a number of key principles in relation to the national dialogue that are accepted by all.

First, it must be fully inclusive, which means that all relevant segments of Yemeni society must be represented, including political parties, the Southern Movement, the Houthis and civil society representatives, including youth and women's groups. Secondly, the process must be genuinely participatory, which is to say that all those included in the process must have a say in its design and conduct, and must be assured that their views will be heard. Thirdly, the dialogue process must be transparent, meaning that key decisions on its timeline, membership, agenda and methods of work should be publicly shared. And finally, the dialogue has to generate results, meaning that its outcomes must be fully implemented.

On 6 May, President Mansour issued a decree appointing a contact committee for the national dialogue process. The committee is tasked with facilitating the formation of a preparatory committee for the national dialogue by 30 June. That committee's appointment is a welcome first step in launching the process on time. The main task of the preparatory committee will be to develop and agree on a concrete plan for conducting a national dialogue conference, including agreement on the format, membership criteria, participation and rules of procedure. The outcome of that conference will feed into the constitution-making process that is to conclude in late 2013, enabling general elections to take place in February 2014.

To be successful, the national dialogue process must be designed and driven by the Yemenis themselves. While that will require strong international support, its footprint should be light. Based on consultations with Yemeni actors, the United Nations will provide support in four key areas: first, with political facilitation to help stakeholders resolve disputes as they arise; secondly, with technical support to the secretariats of the preparatory committee and the national dialogue conference; thirdly, with capacity-building of key constituencies, including young people, women and internally displaced persons, to ensure that they can participate effectively in the Conference; and fourthly, with a public information and awareness campaign to ensure that the public is properly informed and included in the discussions taking place throughout the process.

My Office will lead United Nations efforts in support of the national dialogue, in close cooperation with the United Nations country team. To that end, a $2 million project initiative, to be funded from the United Nations Peacebuilding Fund, will cover support needs during the dialogue's preparatory phase. A small team of political advisers, who will work closely with the country team, has also been deployed to Sana'a to assist with the preparatory process. The success or failure of the national dialogue is likely to make or break Yemen's transition. Helping to ensure its success will therefore be the top United Nations priority in Yemen in the coming months, and we look forward to working closely with other international actors who can offer support for that process.

Yemen's security situation remains a source of major concern. Military restructuring and steps towards a unified command will take time and sustained effort. In the meantime, the Government's overall security capacity remains limited. In the North, the Houthis continue to assert their control in Sa'ada and parts of the governorates of Hajjah, Amran and Al-Jouf. In the southern province of Abyan, Yemeni security forces have stepped up their campaign against Al-Qaida in the Arabian Peninsula (AQAP) and Ansar Al-Sharia with air and navy support, with some recent success. Loder has reportedly been retaken by the Yemeni army, and significant inroads have been made in Jaar and Zinjibar, while Shukra remains under the control of Ansar Al-Sharia.

However, AQAP and Ansar Al-Sharia have extended their reach into areas not previously associated with their activities. Last week's terrorist bombing in Sana'a — which targeted a military parade, killing some 96 soldiers and wounding more than 300 others — and the recently foiled airliner bomb plot are reminders that AQAP remains the most lethal Al-Qaida affiliate, intent on striking both Western and regional targets. In areas under its control, Ansar Al-Sharia has established governance structures that provide social services and justice administration in a region that has long complained of discrimination and neglect by the central Government.

Separatist sentiments in the South have been on the rise. The Hirak, or Southern Movement, began in late 2006 as a rights-based movement demanding equality, non-discrimination and a change in relations between North and South, all within a unitary State. That movement was met with repression, and a few years later groups within the Hirak began to advocate the South's independence.

Other security issues remain. Incidents of abduction, assassination and hostage-taking have increased in the past few weeks. On the streets of Sana'a and throughout the country, the presence of armed forces and militia remains a reality. Major weapons and other military capabilities can be redeployed in a matter of hours. Furthermore, oil and gas pipelines and electricity lines continue to be attacked frequently. Many of those attacks are politically motivated, while others are criminal acts committed in the context of the lawlessness that prevails in parts of the country. Such attacks and sabotage cost the State an average loss of revenue from the national budget of around $250 million a month, or $3 billion a year. That loss of revenue is a crime against the Yemeni people. It adds more misery to the poor and vulnerable groups. Yemen remains the poorest country in the Arab world, with a fiscal deficit of around $2 billion, or 7 per cent of gross domestic product.

The current scale of the humanitarian crisis in Yemen is unprecedented, and the figures are much bleaker than previously reported. Ten million people, almost half of the country's entire population, are food-insecure, with half of those — 5 million people — severely food-insecure and in need of immediate assistance. Almost one million children under the age of five suffer from malnutrition. Ongoing fighting has displaced more than half a million Yemenis within the country. Yemen is also hosting 219,000 refugees and continues to record a high influx.

To address the growing humanitarian needs in Yemen, the humanitarian response from the United Nations has been significantly expanded in 2012, but delivering assistance still poses a number of challenges. Key among them are capacity, security and funding. Both the Yemeni Government and the international community must prioritize this acute humanitarian crisis. The Yemen humanitarian response plan, for $455 million, is currently only 43 per cent funded. Since the original appeal, however, the number of people in acute humanitarian need has increased, and the financial requirements are being revised. Substantially scaled up support from the international donor community will be needed to meet those increased needs. Members of the Security Council should play a more active role in bringing the humanitarian crisis in Yemen to the world's attention.

A good development is that the international community is now committing to scaling up its support. The ministerial meeting of the Group of Friends of Yemen, hosted by the Kingdom of Saudi Arabia in Riyadh on 23 May, was aimed at providing a framework and momentum for supporting Yemen's political, economic and security reform plans in line with specific timelines.

Other urgent issues also demand our attention. The fate of those who were detained during the recent conflict by Government security forces and armed opposition groups has not been addressed, despite the best efforts of the Government of National Unity. Those who still hold individuals in custody must account for them, allow access to them and grant their rapid release. We are also mindful of the need to address the many injustices of the past. Those who committed human rights violations should be held to account.

I commend those in the Government who have worked hard to generate a credible law on transitional justice, a law that is the outcome of public consultations. Unfortunately, in a cabinet meeting today, ministers from the ex-ruling party, the General Peoples' Congress, have again failed to endorse the draft of that law. As stipulated in the transition agreement, the draft should now be submitted to the Prime Minister and the President for their decision.

In April, the Council of Ministers adopted a decision to set up an independent national human rights institution and requested that the Ministry of Human Rights follow up the decision and prepare the necessary draft legislation. This is a positive step and will require considerable support from the United Nations and international donors.

President Mansour and the Government of national unity, led by Prime Minister Basendwah, are steadily making progress in moving the country forward and realizing the young people's aspirations to change. They deserve the Council's continuing support. While demonstrations continue to take place, youth, civil society, women's groups and emerging political parties have shifted their focus from contestation to preparatory efforts and initiatives for the national dialogue process and participation in the political process.

In conclusion, let me reiterate that, while Yemen's transition remains largely on track, it cannot take place under the shadow of continued military threats. If legitimate governance is to take hold, the Yemeni people must be able to see that those who hold legitimate authority are in a position to exercise their powers effectively, and those who encourage sabotage and obstruction from behind the scenes must know that they are being observed, that they will be held accountable and that international patience is starting to wear thin.

Resolution 2014 (2011) is clear in this regard in that it commits all Yemeni sides to play a full and constructive role in implementing the transition agreement. Those who do not live up to this commitment should be prepared to be held to account by the Yemeni people and the Security Council.

The Secretary-General remains concerned about efforts to undermine Yemen's transition. He has asked me to continue to exercise his good offices, working closely with members of the Security Council, the Gulf Cooperation Council and other international partners to facilitate the effective implementation of Yemen's transition agreement as a model for peaceful change that could offer valuable lessons for other situations in the region.

The President: I thank Mr. Benomar for his briefing.

I now give the floor to the representative of Yemen.

Mr. Al-Sallal (Yemen) (*spoke in Arabic*): Allow me at the outset to congratulate you, Mr. President, and your delegation on your successful conduct of the work of the Security Council this month. I also thank and congratulate Ambassador Susan Rice of the United States of America for her successful presidency last month. We would further like to express our appreciation for the continued and tangible efforts and good offices of Secretary-General Ban Ki-moon and his Special Adviser, Mr. Jamal Benomar, and his team aimed at leading the political process in my country to a successful outcome.

Yemen has witnessed several positive developments since the signing of the Gulf Cooperation Council initiative and its implementation mechanism by partners in the political process. In this, the efforts of the President of my country, Mr. Abdrabuh Mansour Hadi Mansour, and the national unity Government must be noted.

I also draw the Council's attention to several measures taken by my country with a view to leading the transition in my country to a successful outcome. First, measures have been taken to establish the environment necessary to begin the national dialogue between the various partners in the political process in Yemen. The President of the Republic issued Decision 13 on 6 May 2012 establishing a contact committee to expedite the establishment of the preparatory committee for the national dialogue conference by 30 June 2012, and has established seven working groups to continue outreach activities with the parties.

The Government is considering a law on transitional justice and national reconciliation with a view to reaffirming the political transition in Yemen on the basis of forgiveness, tolerance, the rights of the victims, individual, collective and national reconciliation, and the renunciation of all forms of violence and retaliation. It would also seek to prevent the recurrence of human rights violations in the future and establish a modern, civil State based on democracy, the rule of law and human rights. The Government will submit this project, when its consideration is completed, to Parliament with a view to its adoption in the form of a presidential decision.

The Government has also established a ministerial committee to prepare a draft law for the establishment of an independent human rights agency. In the wake of the national dialogue conference, a constitutional committee will be established to draft a new constitution that will determine the political shape and system of the country, to be put to a referendum by the end of the transitional period and the conduct of parliamentary and presidential elections.

The military commission has continued to discharge its duties in the maintenance of peace and security in Yemen, to remove all military roadblocks, and to restructure the armed forces and the security forces. The President of the Republic has issued many important decisions effecting transfers and changes in the security and military leadership.

However, and as mentioned by Mr. Benomar, Yemen still faces many difficult challenges. Al-Qaida in the Arabian Peninsula has taken advantage of the unstable political situation in the country over the past year and has extended its control to parts of the country, attacked and plundered many Government agencies, and killed numerous innocent people. Following the presidential elections and the establishment of the national unity Government, the security and armed forces focused their military operations against the Al-Qaida terrorist organization, which threatens Yemen and its stability and has also pledged several times to extend its operations to the sea, threatening international peace and security. Government forces have tightened the noose on Al-Qaida in the Abyan governorate, eliminated many terrorists, and also carried out numerous pre-emptive strikes against the leaders who have taken refuge in the mountains.

Recently, Al-Qaida committed a horrible act of terrorism, killing 100 people and injuring over 300 of our best youth in the national security forces as they trained for the celebration of Yemeni unification. I take this opportunity to extend our sincere condolences to the families of the martyrs and wish a speedy recovery to the injured. I would like to thank all the Heads of State, the Secretary-General, and the President and members of the Security Council for their condemnation of that wanton act.

I reiterate that the threat of terrorism and bias in Yemen cannot addressed solely by military efforts. These efforts must extend to the intellectual, cultural, development and rehabilitation activities to be conducted by the Government, with the necessary international support at the bilateral and multilateral levels, and further assistance in the implementation of the recommendations of the Counter-Terrorism Committee Executive Directorate.

There are now 500,000 internally displaced persons in my country. While some $477 million have been pledged, only $63 million have been received, whereas meeting the needs of so many displaced is no easy task. Assistant Secretary-General for Humanitarian Affairs Catherine Bragg, who visited Yemen recently, has stated that the deteriorating humanitarian situation in Yemen is not only a result of the conflicts within and outside the country, but is foremost a humanitarian problem that requires urgent attention. The World Food Programme has conducted a survey in Yemen and has warned that levels of malnutrition have reached alarming levels. Three million people are suffering extreme malnutrition; 5 million — 22 per cent of the entire population — suffer from one form of malnutrition or another; and half the population of the country has experienced extreme hunger.

According to statistics provided by the Office for the Coordination of Humanitarian Affairs (OCHA), 44.5 per cent of the population — that is, 10 million people — suffers from food insecurity in general, and 22 per cent — 5 million citizens — suffers from acute malnutrition. There are 465,000 displaced people, 169,855 refugees, 140,000 returnees, 116,830 war-affected people and 12,000 forcibly displaced people, in addition to the almost 3 million people who lack potable water and proper sanitation. We appeal to all Member States to provide Yemen with the support necessary for it to be able to meet the needs of all of the displaced people and refugees.

In spite of all our internal problems, we have hosted more than 1 million refugees from neighbouring countries. We had attached great hopes to the most recent appeal by OCHA; however, it has not generated the reaction that we had hoped for. Alarms have been sounded before the Council with regard to the myriad problems resulting from such a high number of refugees, including from drug and weapons smugglers as well as terrorists coming from the Horn of Africa and other neighbouring and European countries.

Since the winds of change blew through Yemen last year, many people have lost their jobs and many companies have had to close their doors. That has led to an alarming increase in the unemployment and poverty rates, and many heads of household are unable to provide for their families. The general economic deterioration poses a tremendous obstacle to the Yemeni Government, particularly given the decrease in the gross domestic product growth rate and the state of paralysis of various economic activities as a result of the political and security situation in the country, which is reflected in every aspect of life in Yemen.

In conclusion, at the meeting of the Friends of Yemen held on 23 May, His Royal Highness Prince Saud Al-Faisal, Minister for Foreign Affairs of the Kingdom of Saudi Arabia, stated that Yemen is an ancient civilization with a long history and that it is not a source of discouragement or disappointment. Yemenis are capable and responsible enough to support the efforts necessary to ensure peace, security and stability in the country. Here I would stress the different projects, programmes and development plans aimed at providing support to the Yemeni people.

We would like to thank our brothers in Saudi Arabia, in particular His Majesty the Custodian of the Two Holy Mosques, King Abdullah Bin Abdulaziz Al-Saud, for their support and their hospitality. We would also like to thank the United Kingdom of Great Britain and

Northern Ireland for all its support and for hosting the donors' conference next June.

The President: I now invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 3.35 p.m.

United Nations
S/PV.6777

Security Council

Sixty-seventh year

Provisional

6777th meeting

Thursday, 31 May 2012, 9 a.m.
New York

President:	Mr. Mehdiyev	(Azerbaijan)

Members:	China	Mr. Tian Lin
	Colombia	Mr. Alzate
	France	Mr. Briens
	Germany	Mr. Wittig
	Guatemala	Mr. Rosenthal
	India	Mr. Hardeep Singh Puri
	Morocco	Mr. Loulichki
	Pakistan	Mr. Tarar
	Portugal	Mr. Cabral
	Russian Federation	Mr. Zhukov
	South Africa	Mr. Sangqu
	Togo	Mr. Kandangha-Bariki
	United Kingdom of Great Britain and Northern Ireland	Mr. Parham
	United States of America	Ms. Rice

Agenda

Security Council mission

Briefing by Security Council mission to West Africa (18 to 24 May 2012)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-506.

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The meeting was called to order at 9.05 a.m.

Adoption of the agenda

The agenda was adopted.

Security Council mission

Briefing by Security Council mission to West Africa (18-24 May 2012)

The President: I should like to welcome the return of the members of the Council and the Secretariat who took part in the Security Council mission to West Africa.

At this meeting, the Council will hear briefings by the Permanent Representative of the United States of America, the Deputy Permanent Representative of France, on behalf of the Permanent Representative of France, and the Permanent Representative of South Africa.

I now give the floor to Her Excellency Ms. Susan Rice, co-leader of the Security Council mission to Liberia.

Ms. Rice (United States of America): On behalf of my co-leader, Ambassador Loulichki, I would like to begin this report on the Council's trip to Liberia by thanking the Officer-in-Charge of the United Nations Mission in Liberia (UNMIL), Moustapha Soumaré, and his team for welcoming us and for greatly facilitating our successful visit.

The Council undertook the trip, which was our first to Liberia since 2009, to examine the country's efforts to improve its security and rule of law institutions, to foster national reconciliation and to position itself for UNMIL's eventual drawdown. We also assessed inter-mission cooperation between UNMIL and the United Nations Operation in Côte d'Ivoire (UNOCI), as well as the security challenges along the Ivorian-Liberian border.

Although our visit was short, we covered a great deal of ground. We arrived in Monrovia on the afternoon of 19 May and met with President Johnson-Sirleaf and members of her Cabinet. President Johnson-Sirleaf told us that her Government's priorities included improving youth education and employment opportunities, access to equitable justice, infrastructure development and reconciliation efforts. She stressed that improving rule of law capabilities, economic growth, governance and human development were key to Liberia's future, and commended the strong partnership between the United Nations and Liberia.

When asked about UNMIL's transition, the President called for greater international support for Liberia's police, because Liberia's domestic capacity to provide security needed to increase in line with the expected decrease in United Nations troops. She also stressed that corruption remained a significant problem. Our discussion covered regional concerns, including the Ivorian border region and the crises in Mali and Guinea-Bissau, as well as the challenges of resolving domestic land ownership disputes.

The following day, the Council visited Liberia's National Police Training Academy, where we discussed rule of law challenges with the Minister of Justice, the Inspector-General of the police, and the heads of the Drug Enforcement Agency and the Bureau of Immigration and Naturalization. The Minister of Justice stressed the need to decentralize the delivery of justice to the people, and cited the five planned United Nations peacebuilding-supported justice hubs, the first of which will open in June, as critical to extending State authority throughout the country. She described Liberia's preparations for UNMIL's gradual drawdown, and requested continued coordination with UNMIL to ensure a smooth transition.

Council members discussed the challenges to improving Liberia's internal security, including financial limitations, staffing and supporting remote security outposts, and the threat posed by international drug traffickers and organized criminals. The mission met with UNMIL's leadership and the United Nations country team, hosted by the Indian all-female formed police unit, which continues to demonstrate the value of women's participation in Liberia's security institutions. They also put on an excellent presentation of their martial arts skills during police training exercises.

With the United Nations leadership, we discussed the difficulties of increasing Liberia's police capacity, including its ability to train and support a force large and capable enough to allow UNMIL to draw down responsibly. The Council was briefed on the challenge of addressing human rights abuses, especially sexual and gender-based violence. UNMIL stressed the ongoing positive coordination with Liberia's leaders in planning for the transition period.

Our meeting with roughly 30 Liberian civil society leaders focused on the obstacles to lasting national reconciliation. In a vibrant exchange of views, the leaders pressed for increasing the role and voice of women in Government, enhanced interreligious dialogue, and addressing corruption and impunity. The Council also visited an UNMIL-supported programme in Congo Town that offers livelihood training to women who were engaged in harmful practices to other women and girls. The programme provided its participants with alternative income-generation skills and helped sensitize them in culturally appropriate ways to decreasing the practice of female genital mutilation.

Concluding this leg of the trip, the Council visited the Firestone rubber plantation, one of Liberia's top employers, where we discussed the opportunities and challenges facing businesses operating in the country.

On 22 May, the Council returned to Liberia to visit the PTP refugee camp located in Zwedru, close to the Ivorian border, where we were briefed by the Executive Director of the Liberia Refugee Repatriation and Resettlement Commission and by the Office of the United Nations High Commissioner for Refugees (UNHCR) on the Ivorian refugee situation in the eastern part of Liberia. UNHCR and other relief organizations on the ground deserve credit and our gratitude for the valuable humanitarian work they have undertaken to support the refugees in eastern Liberia.

We then heard from the refugee representatives and refugees themselves, who shared their experiences, their hopes and what they perceived as obstacles to their return to Côte d'Ivoire. Although the majority of Ivorian refugees have already returned home, those who remained cited fear of persecution, as well as land expropriation issues, as reasons preventing them from returning to Côte d'Ivoire. It appeared that accurate, timely reporting on the situation from their homes could help to counteract rumours and inaccurate information that circulated within the camps. Some refugees we met were clearly Gbagbo loyalists who said that they would not return until President Ouattara was gone, if at all.

Representatives of UNMIL and UNOCI also briefed the Council on inter-mission cooperation along the Liberian-Ivorian border. They noted the various security challenges that emerged following the Ivorian crisis, as well as the innovative joint steps they have undertaken to strengthen coordination and cooperation to better monitor the border situation and to facilitate refugee repatriation.

Overall, the Council witnessed the considerable progress that the people of Liberia have made since the end of the civil war in 2003. We left encouraged about the future, sober about the ongoing challenges, and even more cognizant of the need to handle UNMIL's transition responsibly.

The President: I now give the floor to Mr. Martin Briens, Deputy Permanent Representative of France, who will brief the Council on behalf of His Excellency Mr. Gerard Araud, Permanent Representative of France and co-lead of the Security Council mission to Côte d'Ivoire.

Mr. Briens (France) (*spoke in French*): From 20 to 22 May, Ambassador Menan of Togo and Ambassador Araud led the Security Council mission to Côte d'Ivoire. This eagerly awaited visit was the first since 2008 and came a year after the end of the post-electoral crisis that led to more than 3,000 deaths.

The Security Council met with all Ivorian political protagonists, President Ouattara, his Prime Minister, some of his other ministers, the Speaker of the National Assembly, parliamentary groups and members of the non-parliamentary opposition. The Council also met with representatives of Ivorian civil society in Abidjan and members of the Dialogue, Truth and Reconciliation Commission. The Council travelled to western Côte d'Ivoire, near the Liberian border — a region that still bears the scars of the post-electoral crisis. In the town of Guiglo, the Council spoke directly with local people and authorities, as well as members of the local awareness and sensitization committee. The Council then took the opportunity to participate in a meeting of the Economic Community of West African States (ECOWAS) in Abidjan. My delegation conveys its warmest thanks to the Ivorian authorities for their welcome; the Special Representative of the Secretary-General for Côte d'Ivoire, Mr. Albert Koenders; and all the personnel of the United Nations Operation in Côte d'Ivoire (UNOCI) who organized our logistically complex and eventful visit.

The Council mission's primary task was to assess the stabilization process in Côte d'Ivoire. Council members were able to note that the country had made very significant progress in scarcely a year, but that several challenges remain regarding border security, reconciliation, the fight against impunity and the deep-rooted causes of the Ivorian conflict, such as land-title disputes.

The Council spoke at length with President Ouattara and his Government on 21 May. They detailed their work to the Council and expressed their confidence that the security situation would gradually improve. They stressed that security sector reform still faced a number of hurdles, including the lack of resources. Members of the Council noted that the process of disarming, demobilizing and reintegrating tens of thousands of ex-combatants remains one of the newest and most complex challenges, given the situation before the elections, and that a lasting solution has yet to be found, with the support of the United Nations.

During the course of the Council's meetings with associations and opposition members, rifts within society and the political class were in clear evidence, revealing the scope of the task of reconciliation in Côte d'Ivoire. In that regard, the Dialogue, Truth and Reconciliation Commission outlined its goals and working methods for transitional justice. The Government also affirmed its resolve to allay tensions and to restore and promote political dialogue with all political groupings, without jeopardizing the fight against impunity. That point was emphasized by President Ouattara.

The field visit to western Côte d'Ivoire was a turning point. The Council was able to take stock of the new threats to peace and security that justify the enhanced UNOCI presence in that part of the country and strengthened means to protect civilians, including through inter-mission cooperation with the United Nations Mission in Liberia. Those to whom the Council spoke on the ground expressed their serious concerns about the movement of weapons, attacks by combatants based in Liberia, the insecurity caused by the traditional Dozo hunters, problems with the Ivorian security forces, the humanitarian challenges to returns, and the confusion surrounding land ownership.

Lastly, on 21 May, during its visit to Abidjan, the Council was able to meet with representatives of ECOWAS, including its Commission and several ministers from the region. The meeting was chaired by the Foreign Minister of Côte d'Ivoire. The debate was interactive and wide-ranging and focused on the situations in Mali and Guinea-Bissau. With regard to the crisis in Mali, the mediator, Mr. Djibrill Yipènè Bassolé, briefed the members of the Council on the latest developments on the attack on the interim President and on the initiatives undertaken by the mediation. We considered potential approaches for cooperation and agreed to maintain a close dialogue on the matter.

In conclusion, I hope I speak for everyone when I say that this mission to Côte d'Ivoire made it possible for the Council to better understand both the divisions within and the exceptional resources of the country, and consequently the major priorities for efforts to be made by the United Nations still needed by the people of Côte d'Ivoire in order to emerge from many years of conflict.

The President: I now give the floor to His Excellency Mr. Baso Sangqu, co-leader of the Security Council mission to Sierra Leone.

Mr. Sangqu (South Africa): I am pleased to give this account of the Security Council visit to Sierra Leone on 23 May, on behalf of Ambassador Sir Mark Lyall Grant, Permanent Representative of the United Kingdom, and of myself.

The aim of the Council's visit to Sierra Leone was to encourage continued efforts to consolidate peace and national reconciliation. During the visit, the Council met President Koroma and several of his Ministers, representatives from all 10 registered political parties and the National Electoral Commission. The Council also met members of civil society, including women's groups, so that the Council could hear from the people of Sierra Leone about the remarkable journey that their country has made since the civil war, which will continue with the forthcoming elections.

We would like to thank Mr. Jens Anders Toyberg-Frandzen, Executive Representative of the Secretary-General, and the staff of the United Nations Integrated Peacebuilding Office (UNIPSIL) for welcoming the Council and supporting our visit, in particular given how recently Mr. Toyberg-Frandzen himself arrived in Freetown. We greatly appreciate the support that UNIPSIL, working with the rest of the United Nations family, is providing to peacebuilding in Sierra Leone. Truly, that is "One UN" in action.

As you might expect, Mr. President, the forthcoming elections featured prominently during the Council's visit. We received from President Koroma a clear and welcome commitment to a free, fair and transparent process. Discussions with all political parties and the National Electoral Commission reassured us that good progress was being made in preparing for November's poll. While we heard that the political environment in the country continues to be dominated by intense rivalry and mistrust between the two major political parties, the Council was encouraged by the signing, by all the political parties, of a declaration agreeing to contest the elections fairly and not to resort to violence.

In our meetings with the military and other representatives from the security sector, we were encouraged by the commitment we heard to army and police neutrality. The military and police training provided by the United Nations and bilateral donors over the past 10 years has clearly helped to develop a culture of policing based on protecting the security and human rights of all citizens in Sierra Leone. That work needs to continue.

On the issues of the purchase of weapons for the use of the Sierra Leone police, President Koroma reassured us that those weapons were transferred to the armed forces of Sierra Leone in the presence of international observers.

A further mark of the progress that the Council observed was the pride that the Government of Sierra Leone and the military conveyed to us about the forthcoming deployment of the armed forces as peacekeepers to the African Union Mission in Somalia.

At our luncheon with civil society, we met representatives of women's groups who shared their ideas about peacebuilding and reconciliation, including on the question of reparations for war victims. All speakers stressed the role that women can play as an early-warning system for potential conflict, and spoke in favour of greater representation for women in Parliament.

In conclusion, it is worth reflecting upon how far we have come. The progress that Sierra Leone has made since the civil war ended, 10 years ago, is remarkable. Of course, huge problems remain, including high youth unemployment, infrastructural dilapidation and a lack of institutional capacity. But there are grounds for optimism that Sierra Leone is on the path to building lasting peace. The Security Council will continue to play its role in that journey.

I am grateful to Ambassador Sir Mark Lyall Grant and the United Kingdom Mission for their joint leadership on this mission. I join other Council members in expressing my appreciation to the Secretariat for its diligent professionalism in organizing the mission on short notice.

The President: On behalf of the Security Council, I should like to express appreciation to all the members of the Council and the Secretariat who participated in the mission for the manner in which they discharged their important responsibilities on behalf of the Council.

There are no more names inscribed on the list of speakers. I now invite Council members to informal consultations to continue our discussion of the subject.

The meeting rose at 9.25 a.m.

United Nations S/PV.6778

Security Council

Sixty-seventh year

Provisional

6778th meeting

Tuesday, 5 June 2012, 10 a.m.
New York

President:	Mr. Li Baodong	(China)
Members:	Azerbaijan	Mr. Mehdiyev
	Colombia	Mr. Osorio
	France	Mr. Briens
	Germany	Mr. Wittig
	Guatemala	Mr. Rosenthal
	India	Mr. Hardeep Singh Puri
	Morocco	Mr. Bouchaara
	Pakistan	Mr. Tarar
	Portugal	Mr. Cabral
	Russian Federation	Mr. Karev
	South Africa	Mr. Mashabane
	Togo	Mr. Menan
	United Kingdom of Great Britain and Northern Ireland	Mr. McKell
	United States of America	Mr. DeLaurentis

Agenda

Reports of the Secretary-General on the Sudan

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The meeting was called to order at 10.10 a.m.

Expression of thanks to the outgoing President

The President (*spoke in Chinese*): As this is the first meeting of the Council for the month of June 2012, I should like to take this opportunity to pay tribute, on behalf of the Council, to His Excellency Ambassador Agshin Mehdiyev, Permanent Representative of Azerbaijan, for his service as President of the Security Council for the month of May 2012. I am sure I speak for all members of the Council in expressing deep appreciation to Ambassador Mehdiyev and his delegation for the great diplomatic skill with which they conducted the Council's business last month.

Adoption of the agenda

The agenda was adopted.

Reports of the Secretary-General on the Sudan

The President (*spoke in Chinese*): Under rule 37 of the Council's provisional rules of procedure, I invite the representative of the Sudan to participate in this meeting.

Under rule 39 of the Council's provisional rules of procedure, I invite Mr. Luis Moreno-Ocampo, Prosecutor of the International Criminal Court, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I now give the floor to Mr. Moreno-Ocampo.

Mr. Moreno-Ocampo: As former Costa Rican Minister for Foreign Affairs Bruno Stagno Ugarte stated in the Security Council in 2008, the "never again" promise is being tested in the Sudan (see S/PV.5905).

With resolution 1593 (2005), the Council took the initiative to refer a situation involving ongoing atrocities to a permanent, existing court. That was a conscious decision, namely, that a judicial investigation of the facts and the identification of those responsible should not wait for the end of the conflict. In fact, the ability of the Court to implement its mandate immediately was a crucial factor mentioned by members of the Council in adopting that resolution.

Investigating Darfur was an enormous challenge for the Court. There were serious allegations of thousands of crimes committed in a vast territory by different parties. The Office of the Prosecutor conducted an impartial investigation, receiving documents collected by the United Nations Commission of Inquiry, as well as reports from the Government of the Sudan itself, which even authorized us to interview a general as a suspect in Khartoum. To respect its duty to protect witnesses, my Office has had to investigate the crimes without visiting the crime scene. Members of the Office of the Prosecutor have travelled around the world collecting hundreds of testimonies of victims and eyewitnesses who had escaped from the Sudan. Most of our evidence is confidential so as to protect the lives of the witnesses and their relatives.

During the previous briefing (see S/PV.6688), the Sudan challenged the value of the evidence. My Office is prepared to discuss the matter in the courtroom, at The Hague, or before the judges. That is where we discuss evidence.

Ten judges, members of the Pre-Trial and Appeals Chambers, discussed the value of the evidence collected by the Office of the Prosecutor. They concluded that the forces of the Government of the Sudan had committed war crimes and crimes against humanity in Darfur following a strategy adopted in the higher echelons of the State apparatus. The Pre-Trial Chamber identified the individuals who would have to face justice and issued arrests warrants against a militia/Janjaweed leader, Ali Kushayb, who reported to the then Minister of State for the Interior, Ahmed Harun, who in turn reported to the then Minister of the Interior, Abdelrahim Mohamed Hussein, who ultimately reported to President Al-Bashir. I would like to clarify that the responsibility of those individuals is not a simple consequence of their official roles. In all the cases, the Office collected information and there are witnesses that describe in detail their active participation in the strategy to commit crimes — in the gathering of forces, in the financing, in actually committing the attacks, in supervising operations and in protecting the attackers.

The charges against President Al-Bashir include the crime of genocide. The Pre-Trial Chamber concluded that Omar Al-Bashir acted with specific intent to destroy in part the Fur, Masalit and Zaghawa ethnic groups. In all of those cases the Pre-Trial Chamber considered that arrests were necessary in order to stop the commission of crimes.

The Court fulfilled its judicial mandate. The evidence collected uncovered the functioning of a State apparatus used to commit genocide, crimes against humanity and war crimes. Those who bear the greatest responsibility have been indicted. The current challenge is their arrest.

In accordance with resolution 1593 (2005), the Government of the Sudan has the legal obligation to implement the arrest warrants. However, President Al-Bashir is taking advantage of his position of power to continue with his strategy and to ensure his own impunity and that of those who follow his instructions. There is no information to believe that the crimes against humanity and genocide have stopped.

The report is clear that President Al-Bashir's strategy includes, first, threats to the international community to commit new crimes in other areas of the Sudan.

The second element includes the denial of those same crimes and of the rapes in the villages and in the camps, attributing the killings to banditry and sporadic clashes between rebel groups or reducing their relevance through statistical comparisons and attributing conditions in the camps to different factors, such as drought, lack of proper seeds or inability to access farm land.

The third factor I would like to mention in the strategy of President Al-Bashir is the forcing of the international community into a never-ending negotiation in order to gain access to displaced victims.

The fourth factor is the permanent promise of peace negotiations. The international community chases promises of peace agreements that are systematically ignored while President Al-Bashir's force commits more attacks and creates the conditions for new promises of peace agreements.

The fifth aspect is the announcement of justice initiatives that are followed only by new announcements, not by action. After more than seven years of instituting judicial mechanisms, the Government of the Sudan has conducted no proceedings relevant to the crimes committed in Darfur.

The sixth element entails open defiance of the authority of the Security Council, including through public announcements that Council resolutions will not be implemented.

The Council is well aware of this situation. Recently, on 17 February, resolution 2035 (2012) was adopted, demanding an end to military action, including aerial bombardments, and an end to sexual violence and indiscriminate attacks on civilians. The resolution also expressed concerns about obstacles deliberately placed in the way of the work of the Panel of Experts and that of the United Nations Mission in Darfur (UNAMID). The resolution also called for the Government of the Sudan to undertake effective efforts to ensure accountability for serious violations of international law and to ensure unrestricted humanitarian access. A few months ago, the Council also expressed regret that some individuals affiliated with the Government of the Sudan and armed groups in Darfur had continued to commit violence against civilians, impede the peace process and disregard the demands of the Council.

The situation is therefore clear. Implementing the arrest warrant issued by the Court will produce a dramatic change in Darfur. Interestingly, in a normal criminal case, it is difficult to locate the fugitives; in this case it is easy. The whereabouts of the four fugitives in Darfur cases are known. Ali Kushayb remains in Darfur, Ahmad Harun can be found in the Governor's residence in Southern Kordofan, Abdelrahim Mohamed Hussein sits in his office at the Ministry of Defence in Khartoum, and Al-Bashir can be found in the Presidential Palace in Khartoum. The next phase in these Darfur cases is to arrest those indicted.

The failure to arrest and surrender Mr. Harun, Mr. Kushayb, Mr. Hussein and President Al-Bashir is a direct challenge to the Council's authority. It is for the Council to determine the measures to be adopted to ensure the compliance of the Government of the Sudan with Security Council resolutions. The reality is that Council members have to reconcile their national interests with their responsibilities for peace and security. I have witnessed where they have done so. I have witnessed the impact of the Security Council acting with consensus. My Office would like to contribute by presenting an option that the Council could explore in due time.

The execution of the arrest warrants on Sudanese territory is the primary responsibility of the Government of the Sudan. UNAMID should not be authorized to carry out, or assist in securing, arrests. Instead, the Council can in due course evaluate other possibilities, including asking United Nations States Members or regional organizations to execute arrest operations in furtherance of the arrest warrants issued by the International Criminal Court. I understand that such decisions would be problematic, but the victims will receive a message, namely, that they are not being ignored. The perpetrators will receive a different, clear message, that is, that there will be no impunity.

The President (*spoke in Chinese*): I thank Prosecutor Moreno-Ocampo for his briefing.

I now give the floor to the representative of the Sudan.

Mr. Osman (Sudan) (*spoke in Arabic*): I would first like to extend my thanks to your predecessor, Mr. President, the Permanent Representative of Azerbaijan, and to congratulate him on his exemplary conduct of the work of the Council last month. I would also like to congratulate you, Sir, on your assumption of the presidency for this month. We are confident that, with your well-known expertise, you will conduct the work of the Council in all impartiality and justice.

I should like to begin by putting on record the fact that our participation in this meeting does not in any way indicate recognition of or interaction with the International Criminal Court (ICC). The Sudan is not party to the Court. We would like to reiterate that we are compelled to participate in order to correct the fallacious information included in the fifteenth report of the Office of the Prosecutor, information also included in his previous reports. That is the sole reason for our participation.

Establishing a link between a judicial entity and a political entity, as is the case between the Security Council and the International Criminal Court, is not a step that serves to ensure justice, and perhaps I should not speak at length on this issue. Legal experts have always spoken of the independence of the judiciary, in particular from political powers. That is a fact that any first-year law student would know. Also, the contractual relationship between the Security Council and the Court should be confined to the parties to the Rome Statute only. I do not need to remind those who represent the Court of the Vienna Convention on the Law of Treaties, which is a cornerstone of international law. A State that is not a party to a convention does not have obligations under it.

I would like to add that the Council's referral of the conflict in Darfur to the Court through resolution 1593 (2005), calling it a threat to international peace and security, was not based on any sound logic, since it is an internal conflict not reaching outside the borders of the Sudan. It is therefore not a threat even to regional peace and security, to say nothing of international peace and security. The whole issue is therefore based on merely political motives and is being implemented by individuals within the Court who are serving the political agendas of certain States.

The Court is not one of the entities established by the United Nations Charter. Consequently, it is not a judicial arm of the United Nations. It is a court of the States parties to the Rome Statute. As I have said, the Sudan is not a party to that Statute, which founded the Court. In the same way, eight members of the Council, primarily among the non-permanent members, are not parties to the Statute.

I would like to shed some light on what is for us the most important issue regarding the International Criminal Court, namely, the behaviour of the Prosecutor. In that context, I would like to quote, for a second time (see S/PV.6688), the words of Condoleezza Rice, former Secretary of State of the United States of America, on this subject.

(*spoke in English*)

> "We opposed the ICC on the grounds, among others, that its prosecutor is not accountable to any Government. For us this was an issue of sovereignty and a step that looks a bit too much like 'world government'." (No Higher Honor: A Memoir of My Years in Washington, p. 188.)

(*spoke in Arabic*)

What we heard only moments ago from the Prosecutor reaffirms Ms. Rice's words. He speaks as if he were president of the world, issuing his instructions to the Security Council and suggesting options about which he will speak at a later time. Even a cursory evaluation of Ms. Rice's words about the Prosecutor shows her to be correct, because it has been proved that in practice there is no system providing accountability on the part of the Prosecutor, leading him to stray from legitimacy and legal professionalism. All the claims he has levelled — based on political motives — that what happened in Darfur was ethnic cleansing have been refuted by testimony from prominent international figures, who have denied that the crime of ethnic cleansing took place in Darfur.

In the most recent Council meeting on this subject I outlined that testimony in detail (see S/PV.6688). However, for the record, since the Prosecutor is repeating the same claims, I too would like to repeat some of those who have refuted those claims. Among them is the late Judge Antonio Cassisi, expert on international law and head of the International Commission of Inquiry on Darfur, who denied the commission of the crime of ethnic cleansing. Compare that denial by such a prominent legal expert with the statements made by people on the Court who are just beginning their careers and learning the basics of the law.

Also among those refuting the claims are Dr. Mercedes Taty and Dr. Jean-Hervé Bradol of Médecins sans frontières — neither of whom is from the Sudan, or Africa or Asia — who worked in Darfur for over 10 years. They stated that ethnic cleansing was not committed in Darfur. The former United States Special Envoy for Peace in Darfur, Mr. John Danforth, said that the repeated claims that ethnic cleansing had been committed in Darfur were nothing but an excuse for United States interference in the internal affairs of the Sudan. He, too, is neither Sudanese nor African. He commands credibility, and his statement will be remembered by history and the whole of humankind. The official spokesperson of the European Union fact-finding mission — a European — has also denied the commission of ethnic cleansing in Darfur.

All of those statements are documented. In addition to them, former Nigerian President Obasanjo and the former United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions, Ms. Asma Jahangir, have also stated that ethnic cleansing was not committed in Darfur. I leave it to the wisdom of the members of the Council to compare the testimony of such prominent figures with false claims driven by political and personal motives.

Further proof of the Prosecutor's lack of credibility is that a reader of his report would feel that he is speaking of a Darfur other than the one that is currently enjoying stability and security. We now see a Darfur in which the Sudan has gone a long way towards implementing the Doha Document for Peace, a Darfur in which the authorities have begun to carry out their duties in accordance with that agreement.

The report before the Council reiterates erroneous information whose value has been superseded by events on the ground in Darfur. For example, I would like to mention here what the report calls the lack of national judicial measures. That is incorrect. The Doha Document for Peace, which includes straightforward provisions on justice and reconciliation, is the best evidence of the Sudan's commitment to implementing the national judicial measures required to investigate the crimes perpetrated in Darfur. The Doha Document even stipulates, in paragraph 295, that

> "immunities enjoyed by persons by virtue of their official status or functions shall not obstruct the speedy dispensation of justice nor shall they prevent the combating of impunity."

That provision is in addition to other commitments set forth in the Doha Document designed to bring about justice and reconciliation as the two main vectors for the establishment of peace in Darfur.

Those mechanisms have begun to work in the general context of launching the work of the Transitional Darfur Regional Authority headed by Mr. Tijani el-Sissi, who represents the coalition of 11 factions that had previously engaged in armed struggle against the Government. They have all been involved in running Darfur; the leaders in Darfur are thus sons of Darfur. They have been involved in the work of reconstruction and in the return of the displaced.

In the light of all those positive tangible developments on the ground, it is now necessary for those who speak of Darfur to call upon the international community to assist in completing the march towards peace and not to throw more fuel on the fire, cause instability or intimidate the inhabitants of the region.

The Doha Document also addresses other issues related to Darfur, laying out a road map for their solution. The cessation of violence and the return of the displaced, the establishment of stability and peace and the resumption of reconstruction are all results of the Doha Document. In that regard, I would like to quote Mr. Dan Smith, the United States envoy for Darfur, who visited Darfur a few days ago. He actually goes to Darfur almost every month. He said,

(*spoke in English*)

> "Darfur is quite a different place from 2003 [when] 18 per cent of the population lived in urban areas. Now about 50 per cent of the population is living in urban areas."

(*spoke in Arabic*)

When we present such facts and quote the United States envoy, who visits Darfur monthly, who has greater credibility? Is it the person I have just quoted or the person who has never visited Darfur? Who has more credibility in this case?

The positive developments in Darfur were recognized in a recently completed review undertaken by the African Union-United Nations Hybrid Operation in Darfur (UNAMID), which concluded that the military units should be reduced, leading to a savings of $79.9 million in the 2012-2013 budget.

In view of everything to which I have referred, would it not have been better for the Prosecutor to take the right and optimistic path that is strewn with positive developments, instead of dwelling on the past, inciting the Security Council to take action against the Government of the Sudan and beating the drums of war and interference, which would only lead to further instability? Law can never be established except where there is stability and security, not war.

The Prosecutor has today devised a new approach through which he attempts to instigate the Council to take action the Government of the Sudan. In his arguments, he relies on the Council's resolutions on the conflict in Darfur. In that regard, two other United Nations bodies charged with the implementation of those resolutions, the foremost of which, the Department of Peacekeeping Operations (DPKO), has not presented to the Council such flagrantly provocative reports. The Council has before it the two latest reports of the Secretary-General on the situation in Darfur and the implementation of the UNAMID mandate, which speak of the reduction of violence and the drop in crime rates.

The Prosecutor, in mentioning what he calls the lack of cooperation by the Government of the Sudan and its non-compliance with Security Council resolutions, has deliberately ignored the United Nations Charter and its provisions for the respect of the legitimacy of States and their sovereignty. He has also ignored the provisions of the Vienna Convention, as I mentioned earlier, which hold that any State that is not party to a convention is not bound by it.

If the Prosecutor wishes to speak of law, he should really speak of the law. But if he is speaking of politics and not of law, or if he has other motives, then that is another story. Why does the Prosecutor continue to confuse the issues and incite the Security Council to take action against the Government of the Sudan, which has been able to turn the page of war in Darfur and devote all its potential and resources to developing that region and to rebuild it and restore peaceful coexistence among the different tribes that live there.

We condemn and denounce in the strongest terms the recommendations of the Prosecutor asking the Security Council to take other legal measures to implement what he calls arrest warrants, as well as his incitement of the Council to call on States Members of this Organization and regional organizations to do the same.

We would recall that the President of the Republic, Omer Hassan Ahmed Al-Bashir, was elected by the Sudanese people in elections whose free and democratic nature was recognized by the United Nations, regional organizations, European observers and the Carter Centre. We would recall also that other Sudanese leaders accused by the Prosecutor are members of an elected Government and that the people of the Sudan will therefore not think twice about defending the sovereignty of their country and the symbols of its dignity and independence.

We would also remind the Prosecutor that threatening to interfere in the affairs of States by force will not break the determination of free people, and that contemporary African history offers ample testimony to that effect. We would like also to draw the attention of the new Prosecutor of the Court to the serious and dangerous nature of her predecessor's approach.

I reiterate that the Government of the Sudan will continue to cooperate with the Council and with the mediators, particularly the brotherly country of Qatar, in the continuing efforts to establish fully the peace and stability process in Darfur, taking into account the fact that peace is a necessary foundation for stability and justice, and recognizing the importance of ensuring justice, reaching settlements and providing compensation in accordance with the stipulations of the Doha Document for Peace in Darfur.

I should like to conclude by saying that the people of Darfur are dear to the hearts of the people of the Sudan and that the Government of the Sudan is more concerned than anyone else with realizing their aspirations, tending to their wounds and easing their bitterness. We hope that the Council will give precedence to the voice of wisdom and logic and act on the basis of the key principles upon which the United Nations was founded — to bring about justice and to assist States in their efforts to bring about peace and security.

I appeal to the Council to bring pressure to bear, and even to take punitive measures, against the rebel armed movements in Darfur that have refused to listen to reason or sit at the negotiating table. That should be the substance of our efforts: to continue on the path that we have chosen and to sit with those who have rejected peace and negotiate with them, with a view to turning a new page instead of opting for the culture of war and conflict, which does not lead to peace, justice or stability.

I call on the Council to disregard calls for measures that do not serve to bring about stability and peace, which is the main objective of the United Nations. I am confident that it will do so.

The President (*spoke in Chinese*): I shall now give the floor to the members of the Council.

Mr. McKell (United Kingdom): I thank Mr. Moreno-Ocampo for his report, for setting out the action that the International Criminal Court (ICC) has taken over the past seven years on Darfur and for briefing us on the latest developments in the work of the Court on this matter. The United Kingdom continues to support that work and, as his time in office comes to an end, I commend the Prosecutor and his team for their efforts in pursuit of justice for the victims of this conflict.

The last six months have not seen as much progress in Darfur as we had hoped. The inauguration of the Darfur Regional Authority in February was an important step towards the implementation of the Doha Document for Peace in Darfur, as was the establishment of the Truth, Justice and Reconciliation Commission, the Darfur Land Commission and the National Human Rights Commission. We welcome those developments. Implementation, however, has not progressed as planned, and those authorities are not yet functioning institutions. The people of Darfur have yet to see tangible improvements to their lives as a result.

We once again look to the Government of the Sudan to demonstrate its commitment to the Doha Document. We hope that the high presidential committee will expedite its implementation. We urge the Government to deliver its funding commitments to the Darfur Regional Authority, allowing it to establish well-structured and well-resourced institutions, delivering for the people of Darfur before they lose hope in the Doha Document.

We urge those movements that have not signed the Doha Document to support its implementation and to engage constructively in the peace process. We hope that all Darfuris will engage in an internal dialogue, and, as set out in the African Union-United Nations framework for facilitation of the Darfur peace process, will themselves determine the nature of those consultations.

Those developments, however, are marred by the continuing reports of violence in Darfur. The human rights situation is deteriorating, with continuing reports of violence against women and children, often of a sexual or gender-based nature. Ground attacks targeting civilians, humanitarian workers and peacekeepers continue. In the past year, 10 peacekeepers have died and 20 injured in nine attacks against the African Union-United Nations Hybrid Operation in Darfur (UNAMID). That is outrageous and must be condemned. It is unacceptable that UNAMID continues to be prevented from accessing and investigating such attacks. The Government and the armed movements must stop preventing access by humanitarian agencies to those most in need of assistance.

Given these ongoing and deeply concerning issues, the continuing jurisdiction of the Court in Darfur is all the more relevant, and the Prosecutor's continued efforts to monitor and investigate allegations are vital.

The arrest warrant issued against the Sudanese Defence Minister, Abdelrahim Hussein, for crimes against humanity and war crimes means that there are now four outstanding arrests that the Government of the Sudan has failed to take action to enforce. Instead, it continues to obstruct the pursuit of justice for the people of Darfur. The Government of the Sudan is bound to comply with the obligation laid down by the Council in resolution 1593 (2005) to cooperate fully with the ICC and its investigations. No citing of the Vienna Convention on the Law of Treaties or quotations from other people alter that fact. It remains their obligation.

The United Kingdom has repeatedly asked the Government of the Sudan to comply with that obligation, and we repeat that call today. Indeed, we call on all States to cooperate with the ICC to end impunity.

In conclusion, we want once again to thank Mr. Moreno-Ocampo for his efforts to achieve justice for the victims of this conflict over the past seven years and, indeed, to thank him for all his efforts to end impunity while in the Office of the Prosecutor at the International Criminal Court.

Mr. Bouchaara (Morocco) (*spoke in French*): Allow me, first of all, to join my colleagues in thanking the representative of Azerbaijan for the outstanding work carried out in the month of May, as well as to congratulate you, Sir, on assuming the presidency of the Security Council. We wish you every success in carrying out your duties. I would also like to welcome Mr. Moreno-Ocampo and to congratulate Ms. Fatou Bensouda. Her election to the post of Prosecutor of the International Criminal Court (ICC) was welcomed with great pride across our continent.

Morocco supports a political solution among all the parties involved in order to reduce the suffering of civilians. We reiterate our commitment to respecting the principles of international humanitarian law and human rights. We also reiterate our commitment to respecting the sovereignty and territorial integrity of the Sudan.

Since the adoption of resolution 1593 (2005), the ICC has regularly provided the Council with reports on the implementation of that resolution. The fifteenth report submitted by the ICC enumerates the main actions undertaken by the Court since resolution 1593 (2005) was adopted, on 31 March 2005, and evaluates its actions.

Today we can affirm that the situation in Darfur is developing and that significant efforts have been made to resolve the conflict. That progress must be encouraged and supported.

Morocco welcomed the signing of the Doha Document for Peace in Darfur and the launching of the implementation of the provisions contained therein. That ambitious agreement tackles all of the issues that gave rise to the conflict, such as measures for an equitable redistribution of power and resources, compensation, the return of displaced persons, reconciliation and the maintenance of dialogue.

The failure of several rebel movements to subscribe to the agreement and the resulting instability make its implementation difficult. In addition, the main structure arising from the agreement, namely, the Darfur Regional Authority, has been established. However, the lack of funds available to it currently prevents it from becoming operational.

The Sudan is an ancient African nation that, with the richness of its history, culture and civilization, has contributed to the history of the entire African continent. The history of the Sudan did not begin with the conflict that has ravaged the country; its history goes back centuries and is intimately linked to the history of the continent.

The Sudan has made important sacrifices for the Comprehensive Peace Agreement and the Doha Document for Peace in Darfur. The decision of the ICC to indict President Al-Bashir is not based on international consensus. The Organization of Islamic Cooperation and the Non-Aligned Movement have called into question such an approach. The cooperation of States not parties to the Rome Statute is also a complex issue in many respects.

The League of Arab States clearly expressed its position with regard to the indictment of President Al-Bashir only a few days after the decision of the ICC, at its twenty-first Summit, held in Doha in March 2009. The League of Arab States has since then reiterated its position several times.

We believe that the long process that will enable a return to peace and stability in Darfur cannot be achieved without effective and coordinated cooperation on the part of all those involved, regional organizations and the mediation mechanisms involved.

Mr. DeLaurentis (United States of America): Let me start by thanking the Prosecutor of the International Criminal Court (ICC), Mr. Luis Moreno-Ocampo, for his informative briefing today on the situation in Darfur, as well as for his contributions over the past nine years to the cause of ending impunity for the most serious crimes of concern to the international community.

The United States is gravely concerned about the situation in the Sudan and the role that continuing impunity for crimes committed in Darfur has played in forestalling a just and enduring peace for the people of the Sudan and the region.

This is the Prosecutor's fifteenth and final report to the Security Council on the situation in Darfur, which the Council referred to the ICC in 2005. He has come before us many times to describe the work of his Office in seeking to address the atrocities suffered by the victims of genocide, war crimes and crimes against humanity in Darfur.

Indeed, since the adoption of resolution 1593 (2005) and the initiation of these periodic reports, copious evidence has been collected and arrest warrants sought and granted. The most recent development has been the arrest warrant for Minister of Defence Abdelrahim Mohammed Hussein. Most important, promises have been made to the victims that the crimes they suffered will not go unpunished and the justice they seek will not go undelivered.

But as of today, justice has not been served. The ICC's prosecution of the key architects of the atrocities in Darfur is critical. But, as the Prosecutor has stressed, the individuals subject to the ICC arrest warrants in Darfur continue to remain at large.

We have consistently called on the Government of the Sudan and all parties to the conflict to cooperate fully with the ICC and its Prosecutor. Yet there is persistent failure to meet obligations under resolution 1593 (2005). Local accountability initiatives, particularly those agreed to in the Doha Document for Peace in Darfur, remain largely unfulfilled, and the violence continues in Darfur and in other areas of the Sudan, where these patterns repeat themselves and similarly go unaddressed.

Today's report offers us an opportunity to reflect on what steps we can take to strengthen international efforts to hold accountable those who have committed atrocities in Darfur. We agree with the Prosecutor that the lack of progress to date in executing the arrest warrants and bringing those most responsible to justice merits renewed attention by the Council.

We think it is a serious cause for concern that the individuals subject to outstanding arrest warrants in the Darfur situation remain at large and continue to travel across borders. This is an area where cooperation is particularly crucial.

To that end, we continue to urge all States to refrain from providing political or financial support to the Sudanese suspects subject to ICC arrest warrants and to bring diplomatic pressure to bear on States that invite or host these individuals. We stand with the many States that refuse to welcome the ICC indictees to their countries, and we commend those that have spoken out against President Al-Bashir's continued travel, including to next month's African Union Summit.

For our part, the United States has continued to oppose invitations, facilitation or support for travel by those subject to ICC arrest warrants in Darfur and to urge other States to do the same. We would welcome additional efforts by, and better coordination with, other members of the international community on these issues.

We encourage the Council to consider creative approaches and new tools. As members of the Security Council, we can and should review additional steps that could be taken to carry out the ICC's work in Darfur, execute outstanding arrest warrants and ensure States' compliance with relevant international obligations. Continued impunity and a lack of accountability for heinous crimes fuel resentment, reprisals and conflict in Darfur.

We are deeply troubled by the increased violence in three of the five Darfur states since the Prosecutor's last briefing in December (see S/PV.6688). Once again, we note that the Sudanese Government continues its use of aerial bombardments, including of civilian areas, in violation of resolutions issued by the Council. We are also deeply concerned about sexual and gender-based violent crimes there.

We are also deeply troubled that impunity continues for those who attack peacekeepers from the African Union-United Nations Hybrid Operation in Darfur (UNAMID). Since the Prosecutor's last report, UNAMID has been attacked four times, and three peacekeepers have been killed in those attacks. We reiterate our calls on the Government of the Sudan to investigate the attacks and bring those responsible to justice. We note the progress made in the two cases ongoing against Darfur rebels, as described in the Prosecutor's report.

We are extremely concerned about the recurring violence in Southern Kordofan and Blue Nile states. Unfortunately, we have seen concrete illustrations in those two areas that those who evade accountability all too often contribute to further cycles of violence. As the Prosecutor has reminded us, Ahmed Harun is the subject of an outstanding arrest warrant for alleged crimes committed in Darfur. Yet, rather than facing justice, he has been entrusted by the Government of the Sudan with the duty of serving as Governor of Southern Kordofan, where he engages in inflammatory rhetoric reminiscent of the kind he employed in Darfur, pursuing policies that in recent weeks have led to the displacement of nearly 700 people per day, while continuing to block humanitarian access to those remaining. We will continue to push for a credible, independent investigation into violations of international law there and to demand that those responsible be held to account.

We continue to urge the Government of the Sudan to make good on its commitments in the July 2011 Doha Document for Peace in Darfur in order to make local justice and accountability mechanisms a reality, including by empowering its special prosecutor for crimes in Darfur, establishing special courts for Darfur and inviting observers from the African Union and the

United Nations to monitor the proceedings of those courts.

In conclusion, we would like to reiterate our thanks to Prosecutor Moreno-Ocampo and his Office for the work they have done to advance the cause of justice for the people of Darfur. We call on the members of the Security Council and the international community to take concrete steps to ensure that justice in the Sudan is indeed served and that the cycle of violence and impunity there comes at last to a close.

Mr. Mashabane (South Africa): We would like to take this opportunity to congratulate you, Sir, on assuming the presidency of the Security Council for the month of June, and would equally like to express our sincere gratitude to the delegation of Azerbaijan for the manner in which it steered the work of the Council in May.

Let me offer our sincere gratitude to Mr. Luis Moreno-Ocampo for his progress reports. As this is his final report to the Council, I would also like to join others in expressing my delegation's appreciation for his tireless efforts over the past nine years. I wish him well in his future endeavours. Allow me also to congratulate Ms. Fatou Bensouda, who will soon take over the hot seat of the Prosecutor of the International Criminal Court (ICC). I am confident that she will lead the fight against impunity with fearlessness and integrity.

As a State party to the ICC, South Africa is fully committed to all the objectives of the Rome Statute system, particularly the dual purpose of fighting impunity while promoting the preservation of peace, security and the well-being of the world. We are convinced that, when all is said and done, those who have committed international crimes must be held accountable. We are also very much aware that the victims on whose behalf all our actions are taken will find little comfort if we do not do all that is politically feasible to facilitate an end to the conflict. It is only by ending that conflict that the people of Darfur will find security and be able to live in dignity. With that in mind, we believe that the Council should utilize the Court as a tool to promote political dialogue in the search for peace and justice in Darfur, and indeed in the whole of the Sudan. The efforts of the African Union (AU) in particular should be supported.

We have taken note of the decision of the Pre-Trial Chamber to issue an arrest warrant against Abdelrahim Mohamed Hussein, Minister of Defence of the Government of the Sudan, on 51 counts of crimes against humanity and war crimes. We note that this has resulted in an increase in the number of outstanding warrants. We have also noted the decision of the Pre-Trial Chamber on 13 December 2011 concerning the non-cooperation of two African States in relation to the President of the Sudan. In that connection, we have had the opportunity to study an AU communiqué of 14 December 2011 on the Pre-Trial Chamber's decision that raises a number of legal questions.

South Africa remains very concerned about the report's allegations about continuing genocide, aerial bombardments, attacks on civilians, sexual and gender-based crimes and the recruitment of child soldiers. Such allegations serve to strengthen our resolve that a political solution to ending the violence must be found as a matter of urgency. South Africa has always advocated a two-track approach to the Darfur situation, one that recognizes not only a judicial track, aimed at ensuring accountability and justice for crimes committed, but also a political track, designed to find lasting peace.

Our search for that peace is inspired by the desire to ensure that the crimes that have been committed and are allegedly still being committed cease, and that the people of Darfur can find security and be able to live in a dignified way. In our search for justice and accountability, that political track should be kept constantly in mind. It is, after all, for the victims that we are expending all these efforts. Relieving their plight should therefore be at the forefront of our concerns.

The Council, as the organ with primary responsibility for the maintenance of international peace and security, should utilize all the tools at its disposal for promoting political dialogue in the search for a comprehensive solution to the conflict in Darfur. It is only through a comprehensive political solution that peace will be found. In that regard, the Council should support the framework for facilitation by the AU and United Nations of the Darfur peace process. The framework represents a key initiative aimed at addressing the pertinent issues of supporting the Doha Document for Peace in Darfur and bringing non-signatory participants to the negotiating table in order to promote a cessation of hostilities. Furthermore, it addresses the importance of supporting internal dialogue and consultation among Darfuris.

By the same token, efforts towards peace cannot ignore the requirements for justice. We therefore call for implementation of the recommendations of the

AU High-level Implementation Panel on Darfur, and particularly of the methods for ensuring accountability that they contain. It is important that the Council take a strategic approach in dealing with the challenges faced by the Sudan, as we believe that will advance the cause of long-term peace and justice there.

We understand the Prosecutor's frustration at the number of arrest warrants issued against indictees that have gone unenforced. Nonetheless, we wish to warn against the possibility referred to in the Prosecutor's report of using the African Union-United Nations Hybrid Operation in Darfur (UNAMID) as an enforcement tool for effecting ICC arrest warrants. Not only would that be inconsistent with UNAMID's mandate, it would also have a negative effect on UNAMID's credibility and threaten its important peace-related objectives, including the promotion of a peace agreement. While the report purports not to suggest that as an option, the mere mention of the possibility is cause for concern to us. The report does not mention the possibility of asking Member States or regional organizations to execute arrest warrants. In the current state of affairs, the ICC States parties have an obligation under the Statute to cooperate, while the Government of the Sudan has an obligation to comply under resolution 1593 (2005). Owing to the limited scope of that resolution, no other State is obliged to cooperate with the ICC in relation to the situation in Darfur. We note that the limited scope of the duty to cooperate, as laid out in resolution 1593 (2005), was specifically designed in order to accommodate the interests of some permanent members of the Council that have misgivings about the ICC. The Council is therefore unlikely to adopt a resolution requiring all Member States to cooperate in the enforcement of arrest warrants.

Moreover, given that regional organizations are not party to either the United Nations Charter or the ICC Statute, it is difficult for us to conceive the legal possibility of obliging regional organizations to enforce arrest warrants issued by the ICC. If by regional organization the Office of the Prosecutor is suggesting that regional security arrangements be activated to effect the arrest of persons under arrest warrants, my delegation would view such a process as a dangerous proposal that could add fuel to an already volatile situation.

Let me conclude by recalling that our overall objective should be to alleviate the hardship of the men, women and children engulfed by violence in the Sudan. It would be a travesty if our actions resulted in the worsening of conditions for the people in Darfur.

Mr. Briens (France) (*spoke in French*): I would first of all like to thank Mr. Luis Moreno-Ocampo, Prosecutor of the International Criminal Court (ICC), for his report. Since 2005, he has briefed the Council in a transparent way on the judicial work carried out by his Office and the Court. As he steps down on 18 June, I would like to take this opportunity to extend to him France's gratitude for his outstanding commitment to the fight against impunity, in particular in Darfur. I also congratulate Ms. Fatou Bensouda on her election to the office of Prosecutor. We have every confidence that, under her stewardship, the International Criminal Court will continue its work with the same independence and impartiality.

First of all, a reminder — it was the Council that referred the situation in Darfur to the International Criminal Court through a resolution under Chapter VII of the United Nations Charter. The International Criminal Court did not take it on by itself. It was the Council that decided that the Sudan and other States Members of the United Nations should cooperate with the International Criminal Court on the case.

The Council did that for two reasons. The first reason was the extent of the crimes committed in Darfur, some of which were crimes against humanity and crimes of genocide. The second reason was because the Council gives still greater importance to responsibility for crimes committed and the fight against impunity.

Returning to the report, in it the Prosecutor recalls that four people indicted for war crimes and crimes against humanity, one of whom is accused of genocide, continue openly and publicly to evade the Court despite the arrest warrants issued against them by the International Criminal Court. President Al-Bashir, former militia commander Mr. Kushayb, Minister of Defence Mr. Hussein and the current Governor of Southern Kordofan, Mr. Haroun, are free. Sought for the massacre of thousands of civilians or accused of having carried out genocide, they retain key offices and are in a position to order new killings.

As the report underscores, impunity encourages them to continue the same methods in Southern Kordofan, where a serious humanitarian crisis is taking place behind closed doors. Despite the Government's efforts to ban observers, everyone is well aware of the aerial bombings, the lack of basic health care, the arbitrary arrests, the gender-based violence and the blocking of humanitarian aid amid widespread famine. Just because the Sudanese authorities are doing their utmost to conceal that situation does not mean that we should allow ourselves to be deceived and to ignore our responsibilities. International justice must run its course, show that the threat against the perpetrators of crimes is not in vain, and deter others from taking the same path.

In order to justify the failure to execute arrest warrants, some people have invoked the primary role of the Sudanese national jurisdiction. Moreover, the Prosecutor, Mr. Moreno-Ocampo, since taking oath, has always demonstrated his attention to the primary role of national jurisdictions in the situations before the ICC. He has reviewed the work of all special jurisdictions established in the Sudan since the 2005. The conclusion is nothing. They have done nothing, and they cannot do anything since all perpetrators of the crimes enjoy complete immunity. That also, I recall, is President Mbeki's conclusion in the report of the African Union High-Level Implementation Panel on the Sudan (see S/2011/816).

Today, only the case against the leaders of rebel groups, Mr. Abdallah Banda and Mr. Saleh Jerbo, the perpetrators of the attack on the African Union base in Haskanita, is under way. They gave themselves up voluntarily and have agreed to suffer the consequences of their crimes.

As the Prosecutor's report points out, the international community's inability to bring to trial the four indictees is a challenge to the authority of the Security Council, which, with the adoption of resolution 1593 (2005), demanded that justice for the crimes committed in Darfur be done. The obligation to cooperate decided by the Council has not been respected. As a result, the Prosecutor has called on the Council to undertake fresh consideration, including by asking Member States to prepare for arrest operations. That is nothing new. That has already been done for the International Criminal Tribunals for the Former Yugoslavia and for Rwanda.

As the Prosecutor proposes, the Council could effectively consider new legal or operational measures so as to ensure that its resolutions are implemented. The Council, as well as the States parties to the Rome Statute, must demonstrate consistency. They cannot host on their territory an individual under an ICC arrest warrant without moving towards his arrest. Let us recall that such a duty to cooperate derives not only from the Rome Statute, but also from resolution 1593 (2005).

Mr. Cabral (Portugal): Allow me first of all to thank Ambassador Agshin Mehdiyev of Azerbaijan and his team for the efficient presidency for the month of May. I also take this opportunity to convey to you, Mr. President, the full support of my delegation for your presidency for this month.

I wish to thank Mr. Moreno-Ocampo for his participation here today, as well as for his report on the situation in Darfur pursuant to resolution 1593 (2005). As mentioned in the report, the cases of genocide, crimes against humanity and war crimes presented to the International Criminal Court (ICC) illustrate the worst incidents that occurred within Darfur.

As we consider the fifteenth report, however, we continue to see, with real concern, that the same obstacles and difficulties reported in previous reports still persist. Arrest warrants issued by the Court in two of the three cases have still not been executed. Only in the third case does justice seem to be under way, since the trial of Mr. Banda and Mr. Jerbo, alleged commanders of the rebel forces, is planned to start in July, following the recent confirmation of charges by the Court.

Also, on the domestic front, no significant efforts appear to have been undertaken to investigate crimes that come under the ICC's jurisdiction. As highlighted in the report, after more than seven years of instituting several judicial mechanisms, the Sudan has conducted no credible national proceedings relevant to those crimes. That is despite the concerns clearly expressed by the African Union High-Level Implementation Panel regarding the lack of political will and the persistent obstacles to domestic investigation and prosecution.

Moreover, the dire humanitarian situation on the ground persists following the expulsion of humanitarian organizations ordered by the Government. As reported, there are fewer institutions now helping the victims of rape because of the expulsion, or threat of expulsion, of organizations working in the area of sexual violence. However, as stressed in the latest report to the Council of the Special Representative of the Secretary-General on Sexual Violence in Conflict (S/2012/33), today such types of crimes continue to be perpetrated and unpunished, as do other crimes of the same pattern identified by the ICC judges, as recent reports of the Secretary-General unfortunately testify.

With its independent judicial nature, the ICC remains unique as a tool in conflict prevention, as well as in ensuring both justice and peace in the region. To achieve those goals, the international community, on behalf of which the Security Council referred the case to the ICC, has a strong interest in ensuring that the Court plays its role fully. Cooperation is therefore essential. Without the cooperation of all Member States, the Court cannot fulfil that role.

However, we are concerned about the continuous lack of cooperation displayed by the Sudanese authorities on outstanding arrest warrants. We again stress the need for all States to strengthen cooperation with the Court in order to enforce those warrants.

Finally, we would like to thank the Prosecutor, Mr. Moreno-Ocampo, for his efforts during his tenure at the head of the Office of the Prosecutor. We also want to thank him for the role he has played in strengthening the Court and in promoting a better understanding of the Court's potential, thus enhancing the awareness by the international community of the Court's indispensable contribution to the maintenance of peace and security.

Mr. Osorio (Colombia) (*spoke in Spanish*): At the outset, I would like to express my congratulations to you, Sir, and your entire delegation on assuming the presidency of the Council for the month of June. The experience of your previous presidencies tells us that we are in very good hands. I would also like to thank the Ambassador and delegation of Azerbaijan for the serious and calm way in which they conducted our work during the month of May.

I would like to welcome Mr. Luis Moreno-Ocampo, Prosecutor of the International Criminal Court, to the Council Chamber. This may well be the last time that he addresses members of the Council in that capacity and with regard to the issue of Darfur. That is why I would like to reiterate something that I have said on various occasions, namely, that the positive outcome of the first decade of activities of the International Criminal Court is very closely related to the responsible, diligent and impartial manner in which Prosecutor Moreno-Ocampo has understood and carried out his functions as Chief Prosecutor of the International Criminal Court since the beginning. His successes in leading that Office have contributed to implementing the principle of individual criminal responsibility for the most serious crimes of undoubted significance to the international community as a whole.

We know that under the Rome Statute of the International Criminal Court the Court may only deal with atrocious crimes that have been designated to be international crimes and may only intervene when the Court has ascertained that the domestic judicial authorities are not in a position or do not have the intention to carry out the prosecutions themselves. That is exactly the situation that we see today when we acknowledge the unavoidable fact that the criminal proceedings begun by the Office of the Prosecutor, at the express request of the Council, against four indictees have not been implemented because those people have not been handed over to the Court. We are referring here to the acts of genocide, the crimes against humanity and the war crimes that were committed in Darfur during the period indicated in resolution 1593 (2005) and which clearly correspond to the level of seriousness required by the Rome Statute.

After an arduous investigation and careful evaluation of the evidence, a chamber of the Court concluded that there was sufficient basis to proceed with the prosecution of the persons who bear the greatest responsibility for the commission of such crimes. The situation is also one in which the Office of the Prosecutor, after weighing all of the pertinent information, has arrived at the conclusion that, at this point in time, there are no credible criminal proceedings in the Sudan that could call into question the admissibility of the grounds adduced, nor is there any other form of objection that could be raised to the jurisdiction of the Court in this matter.

On the contrary, according to the report of the Prosecutor, a deliberate policy has been adopted to hide those crimes, grant effective immunity to those who have been accused by the Court and distract the attention of the international community. That situation has opened the way for the Court to assume jurisdiction based on the principle of complementarity.

One of the declared purposes of the Rome Statute and for the creation of the International Criminal Court is to provide a disincentive to potential perpetrators of horrendous crimes in the context of generalized violence or armed conflict. The importance of the creation of the Court lies not only in the specific prosecutions it carried out but also in the very strong message it sends out to deter those who are in positions of leadership or Government throughout the world and to warn them that atrocities, which in the past have moved the conscious of the international community, such as ethnic cleansing or genocide, will not go unpunished and that the United

Nations and its Member States will spare no effort to bring those responsible for such crimes to justice.

In that framework, we are sorry to see that, although at the end of its first decade of operation the overall assessment of the Court is positive, when it comes to Darfur, international justice has not been served. The arrest warrants against those accused have not been carried out and the judicial and extrajudicial proceedings cannot, therefore, move forward.

In its historic resolution 1593 (2005), the Security Council, after determining that the situation in the Sudan continued to represent a threat to international peace and security, specifically invoked Chapter VII of the Charter and decided to refer the situation in Darfur to the Court and, furthermore, decided,

> "that the Government of Sudan and all other parties to the conflict in Darfur, shall cooperate fully with and provide any necessary assistance to the Court and the Prosecutor pursuant to this resolution". (resolution 1593 (2005), para. 2)

In the opinion of my delegation, the obligation to cooperate with the Court certainly includes a positive and unavoidable duty to carry out the arrest warrants issued on a regular basis by the Office of the Prosecutor. To do otherwise, demonstrates an ignorance of the mandatory nature of the decisions adopted by the Council under Chapter VII of the Charter and of the Charter itself.

Mr. Tarar (Pakistan): On behalf of the Pakistan delegation, I would like to congratulate you, Sir, on China's assumption of the presidency of the Security Council for June. Let me also express our appreciation for the able manner in which Azerbaijan led the Council's work last month. We would like to acknowledge the presence of the Prosecutor of the International Criminal Court (ICC), Mr. Luis Moreno-Ocampo, in the Council today. We take note of his briefing as well as of his fifteenth report submitted pursuant to resolution 1593 (2005).

Objectivity, not politicization, should guide these reports and briefings. Let me state at the outset that Pakistan, like about half of the current membership of the Council, including three permanent members, is not a State party to the Rome Statute establishing the ICC. Nevertheless, we acknowledge the rights and obligations of the States parties to the ICC.

The Sudan is an important country in the African continent. Durable peace and stability in the Sudan is not only a desire of the Sudanese people but also an imperative for regional peace and security. Achieving that objective requires serious and genuine support and the understanding of the international community. The situation in Darfur in the Sudan, in particular the unfortunate suffering of the people, has been a matter of concern for several years now. We must do more to help resolve this complex problem in a holistic manner and to bring an end to the pain and agony of the population.

Addressing the situation in Darfur is also integral to the efforts for a comprehensive peace in the Sudan, an objective that Pakistan supports. The international community and the Council have recognized that comprehensive peace entails progress on multiple tracks, notably a political process aimed at promoting a peaceful solution through dialogue, justice and reconciliation, efforts to improve security, and addressing the human rights and humanitarian aspects. It is in that regard that we reiterate our support for the efforts of the United Nations, as well as the African Union, particularly its High-level Implementation Panel, towards achieving peace, stability, justice and reconciliation in Darfur.

We believe the search for justice in Darfur should be pursued in a way that does not impede or jeopardize efforts aimed at promoting lasting peace in the region. In that context, the positions of the African Union, the League of Arab States and the Organization of Islamic Cooperation should also be duly considered.

Pakistan firmly believes in the obligation of all States to guarantee and protect the right to life of all their citizens. Having the primary responsibility, the Government of the Sudan must take all measures to investigate human rights violations in Darfur and bring to justice their perpetrators.

We take note of the steps of the Government of the Sudan towards the implementation of the Doha Document for Peace in Darfur and welcome the establishment of the Darfur Regional Authority, as well as the National Human Rights Commission.

It is also imperative for all signatory parties to Doha Document for Peace to implement their commitments under the Document for lasting peace and stability in Darfur. On its part, the United Nations-African Union Hybrid Operation in Darfur (UNAMID) has an important role in the maintenance of peace and security in Darfur, particularly with regard to facilitating the political process in Darfur. Pakistan underscores the need for the full implementation of the UNAMID mandate.

Let me conclude by reiterating that the overall objective of the international community and the Council is the attainment of durable peace and stability in the Sudan. We should harmonize and consolidate our efforts for the early achievement of that objective.

Mr. Rosenthal (Guatemala) (*spoke in Spanish*): As this is our first intervention under your presidency of the Security Council, Sir, allow me to wish you every success in your efforts. You can count on our support and full confidence that with your wisdom, you will conduct our work successfully. I would also like to thank Ambassador Agshin Mehdiyev for his excellent presidency during the month of May.

We thank Mr. Luis Moreno-Ocampo, Prosecutor of the International Criminal Court (ICC), for his briefing and for the report presented to the Council. As this is the last report that he will present in his capacity as Prosecutor, we would like to take this opportunity to express to him our deepest gratitude for his exceptional performance and professionalism at the Court. We would have still done so without having been a State party to the Court. However, now that we have finally completed all the steps necessary to deposit our accession to the Rome Statue, barely two months ago, we do this with an even greater sense of ownership. Likewise, we wish the Prosecutor every success in his future endeavours.

As set out in paragraph 2 of resolution 1593 (2005), the Government of the Sudan and all other parties to the conflict in Darfur shall cooperate to assist the Court and the Prosecutor in their activities. On that legally binding basis, investigations and activities related to the investigations of war crimes, crimes against humanity and genocide are being carried out, in accordance with the scope of the Rome Statue.

We understand the extreme sensitivity that those investigations represent for the Government of the Sudan. However, from our perspective, there continue to be enormous shortcomings related to the lack of cooperation of the Sudanese Government with the International Criminal Court with regard to investigating the cases under its jurisdiction. The absence of internal processes of the special courts created in 2005 and the failure of the Government of the Sudan to implement the resolutions that have been adopted by the Council, above all the most recent resolutions, including resolution 2035 (2012), in our view reflect the ongoing obstacles to guaranteeing effective accountability with regard to the crimes committed since 2003.

We view with concern that the judicial investigations mentioned in the Prosecutor's report have shown that there have been specific orders to attack civilians, including aerial bombardments and the deliberate maintenance of conditions hostile to the living conditions of the displaced population, which will lead to severe damage in the long term. The information presented with respect to the constant restrictions standing in the way of the distribution of humanitarian assistance and to alleviating the suffering of the vulnerable population is something that we fail to understand.

It is in that same context that, as members of the Council and from our national perspective as a State party to the Court, we cannot turn a blind eye to the suffering caused to the population and the serious acts committed in Darfur since 2003, as well as to the recent investigations that detail systematic and lamentable facts, which by any measure constitute crimes against humanity.

While I underscore that we understand the complexity involved in bringing to justice those parties indicated in the Prosecutor's report as responsible for the crimes committed in Darfur, we believe that the evidence collected and the judicial investigations carried out adhere to the principles of impartiality, independence and non-interference in politics. If we accept the premise, and we do, that there can be no peace without justice, then the atrocities committed cannot remain unresolved.

As members of the Council, we are certain we will be able to resolve internal differences that may exist and, in that context, renew institutional cooperation between the International Criminal Court and the Security Council. Likewise, we recognize that efforts are being undertaken in the current peace process being implemented in Darfur, in particular the implementation of the Doha Document for Peace in Darfur and the establishment of institutions tasked with monitoring respect for human rights and the crimes committed in Darfur since 2003, all of which we think is commendable.

Mr. Menan (Togo) (*spoke in French*): At the outset, on behalf of the delegation of Togo, I would like to congratulate you, Mr. President, on China's assumption of the presidency of the Security Council for the month of June. I would also like to thank the delegation of Azerbaijan for its excellent work last month.

I should also like to thank Prosecutor Luis Moreno-Campo for his presentation of the report of the International Criminal Court (ICC) pursuant to resolution 1593 (2005), as well as for the work he has done in keeping with that resolution.

The report provides an overview of the implementation of resolution 1593 (2005), notably in terms of the indictments against those suspected of crimes and serious human rights violations and the efforts to bring them before international justice or national tribunals as well as the cooperation of the Court with the Sudanese Government and the other States Members of the United Nations.

On all those matters, the Prosecutor's report indicates that no progress has been made and that the Sudanese authorities have not expressed their willingness to work towards the implementation of the resolution. The establishment of special courts in Darfur and the appointment of a number of prosecutors were signs that were positive and welcome, but that came to nothing, because, as the report makes clear, neither the courts nor the prosecutors fulfilled their duties. The Togolese delegation hopes, therefore, that the demands of the relevant Security Council resolutions as well as the calls from other bodies, including the African Union High-level Implementation Panel, will spur the Sudanese authorities to take national steps to administer justice and cooperate with the Court.

Togo believes that the conflict in Darfur will never come to a conclusive end unless the fight against impunity prevails and those who have been indicted answer for their crimes according to the norms of international law. Political will on the part of the highest Sudanese authorities to put an end to impunity remains the key to a lasting solution to the conflict in Darfur. We reiterate that no conflict is resolved nor genuine reconciliation achieved unless impunity ends and perpetrators are tried in courts of law. Nor can the ICC deliver justice without receiving cooperation from States, whose discretionary right to pursue perpetrators on their own initiative should encourage them to take independent measures, so as to avoid any foreign intervention.

While it is clear that violence in Darfur has greatly diminished, the conflict is not over and the humanitarian situation is still worrying. Barriers to humanitarian efforts, the expulsion of some non-governmental organizations and restrictions on the delivery of medicine and supplies to outlying regions must stop, in compliance with resolution 1556 (2004). The Sudanese Government should also fully implement resolution 2035 (2012), of 17 February, on the work of the Panel of Experts and the need to end all violations of human rights.

Through the Security Council, the United Nations has demonstrated its will to create conditions in Darfur conducive to peace and peaceful development, as evidenced in the recent renewal of the mandate of the African Union-United Nations Hybrid Operation in Darfur. My country welcomes the Operation's critical contribution to the protection of civilians, humanitarian assistance, intelligence and implementation of the ceasefire and security measures. The Council should remain engaged, so that its resolutions on the conflict in Darfur can be fully implemented. Non-compliance by internal or external actors will only perpetuate violence, violations of human rights and threats to peace and security.

Mr. Mehdiyev (Azerbaijan): At the outset, I would like to congratulate China on assuming the presidency of the Council for the month of June, and we wish Ambassador Li Baodong and his team much success in their work. Allow me also to thank Mr. Luis Moreno-Ocampo, Prosecutor of the International Criminal Court (ICC), for his briefing and for presenting the fifteenth report of the Court to the Security Council pursuant to resolution 1593 (2005).

While Azerbaijan is not a signatory to the Rome Statute of the International Criminal Court, we do strongly believe that the protection of civilians and respect for international human rights and humanitarian law are among the responsibilities of the international community. All of those elements doubtlessly constitute important pillars of international accountability and carry their own weight. We note the efforts of the International Criminal Court to investigate all those who are responsible for crimes in Darfur.

It is also important to ensure that the ICC Prosecutor acts strictly within the mandate of resolution 1593 (2005). Effective measures for preventing serious human rights violations in the Sudan, including the establishment of a proper national judicial system, are indispensable for enforcing the rule of law in the country. In that sense, the international community's assistance to Sudan is much needed.

The implementation of the Doha Document for Peace in Darfur and an all-inclusive Darfur-based internal dialogue are of the utmost importance for bringing durable peace to the region. We welcome the steps taken so far, especially the establishment of regional autonomy in Darfur and of the National Human Rights Commission, as well as the appointment of a prosecutor for a special court for Darfur, with jurisdiction to investigate all human rights violations committed since 2003.

We are concerned about the activities of non-State armed groups, which are the main obstacles to the peace process. In that respect, the recent news about clashes between the Sudanese army and rebel groups is deeply alarming. It is important that the non-signatory parties join the peace process without preconditions. We also deplore the criminality and banditry in Darfur, which are the most significant threats to civilians and humanitarian workers.

In conclusion, we note with approval some positive developments in the overall security environment in the region and we hope to see further improvements in that regard.

Mr. Karev (Russian Federation) (*spoke in Russian*): We are grateful to the Prosecutor of the International Criminal Court (ICC), Mr. Moreno-Ocampo, for his fifteenth report to the Security Council and for his briefing today. As he is the first ICC Prosecutor and he is preparing to step down, we would like to recognize Mr. Moreno-Ocampo's work in that post and to wish him every success in his future endeavours.

Russia supports the work of the ICC in ensuring the irreversibility of sanctions for the most grievous crimes that trouble the whole of the international community. We believe that in order to strengthen the authority of the ICC it is critical that ongoing investigations objectively assess foul play committed by all sides in any given situation, while avoiding politicization in the work of the Court.

Since the adoption by the Council of resolution 1593 (2005), almost seven years ago, the ICC has made significant progress in investigating Sudanese crimes — so much so that further progress is impossible without those indicted being tried in The Hague. Many attribute that state of affairs to the unsatisfactory level of cooperation on the part of States with the Court, especially the Sudan itself.

Of course, the situation requires analysis and a search for new approaches to the problem of combating impunity. However, we would like to stress that, in that context, invoking enforcement capacities under Chapter VII of the Charter with a view to carrying our arrest warrants for Sudanese officials is unlikely to solve problems arising for the ICC in the Sudan. We continue to closely track efforts to bring to justice those guilty of the attack on African Union peacekeepers in Haskanita. We note yet again that that 2007 attack was not the only episode of destructive acts by rebel groups that merit the attention of the Prosecutor.

Russia continues to believe that the administration of justice should take place within a general framework for a settlement to the problems in Darfur. In supporting the decision of the Security Council to refer the situation in Darfur to the ICC Prosecutor, in accordance with the Rome Statute, we continue to believe that work in that area should not stand in the way of the process of restoring peace and post-conflict normalization.

Mr. Wittig (Germany): As this is the first time that I take the floor in the Security Council this month, let me express our congratulations to you, Mr. President, for your delegation's assumption of the presidency of the Council for the month of June. We trust, Sir, that you will guide us with your wisdom through all the challenges presented by what looks like a very busy month. You can count on Germany's support.

At the same time, I would like to warmly commend and thank our colleague from Azerbaijan, Ambassador Mehdiyev, for his very effective stewardship of the Council in the month of May.

Since this is the last time that Prosecutor Luis Moreno-Ocampo is addressing the Council, I would like to start by thanking him, not only for his report and statement today, but for his many years of hard work, dedication and commitment to international justice. His contribution has been instrumental in the efforts undertaken by the International Criminal Court (ICC) to bring to justice perpetrators of atrocities committed in various parts of the world. We are of course very grateful to him for the work he has done in following up on resolutions 1593 (2005) and 1970 (2011), which referred the situations of Darfur and Libya, respectively, to the ICC. As he leaves his present functions, we wish him all the best for the future.

We noted the arrest warrant issued against Mr. Abdelrahim Mohamed Hussein, the current Sudanese Minister for Defence, on 1 March, and we understand the deep sense of frustration expressed in the Prosecutor's report before us. Ahmed Haroun, indicted for war crimes and crimes against humanity, is Governor of Southern

Kordofan state; Ali Kushayb, indicted for war crimes and crimes against humanity, is at large in the Sudan; and President Omer Hassan Al-Bashir, indicted for war crimes, crimes against humanity and genocide, has been re-elected and defies the authority of the Council. Unfortunately, some of the indictees continue to incite Government forces to commit atrocities in defiance of Security Council resolutions, most recently resolution 2035 (2012), of 17 February 2012. In short, unlike the case of Libya, open conflict, and therefore impunity, continues to characterize the situation in the Sudan.

In the light of that deplorable situation, I would like to reiterate that it is the prime responsibility of the Government of the Sudan to comply with the Council's resolutions, cooperate with the Court and surrender indicted persons to the authority of the Court. As the Prosecutor's report makes clear, no such will to cooperate currently exists at the relevant levels of the Government of the Sudan.

However, that does not mean that justice will not be done at some point in time. Eventually, the Sudanese will have to decide what is ultimately best for them and their country. The recent sentencing of Charles Taylor by the Special Court for Sierra Leone to 50 years in prison is a clear sign that the age of accountability is neither a dream nor a mere concept, but is becoming a reality. We must not waver in our determination to foster that reality. Perpetrators of genocide, crimes against humanity and other serious crimes must not and cannot be allowed to avoid justice.

Notwithstanding the Sudan's primary responsibility to cooperate, we have taken full note of the Court's findings regarding the non-cooperation of countries when they have been visited by President Al-Bashir. The non-execution of Court requests severely affects its ability to fulfil its mandate. Germany therefore reiterates its call upon all State parties to the Rome Statute to fully honour their obligations under the Statute, in particular the obligation to cooperate with the Court and execute any warrant of arrest issued by it. We also support ongoing action by the ICC Assembly of States Parties to encourage full cooperation with the Court.

Mr. Hardeep Singh Puri (India): Let me begin by congratulating you, Mr. President, and the delegation of the People's Republic of China, on assuming the presidency of the Security Council for the month of June. We wish you success, Sir, and assure you of my delegation's full support and cooperation. I would also like to thank the Permanent Representative of Azerbaijan and his delegation for their successful stewardship of the Council during the month of May.

I also want to thank the Prosecutor, Mr. Luis Moreno-Ocampo, for his briefing today. We have taken note of his fifteenth report on the situation in the Sudan submitted pursuant to paragraph 8 of resolution 1593 (2005), of 31 March 2005.

India is neither a signatory to the Rome Statute nor a member of the International Criminal Court (ICC) for reasons that are well known. I will not reiterate them.

India strongly condemns all acts of violence committed against civilians. We believe that the right to life is one of the fundamental rights and the foundation of any social order. It is the obligation of all States to take appropriate measures to protect the lives of their citizens while maintaining social order. The States concerned must also bring to justice those responsible for violations of that right.

The continuing conflict in Darfur is one of serious concern. We support all efforts to bring the conflict to an end. We also support the activities of the African Union-United Nations Hybrid Operation in Darfur (UNAMID) aimed at protecting civilians and the efforts made, in cooperation with the African Union's High-level Implementation Panel led by President Thabo Mbeki, to restore an enduring environment of peace and stability in Darfur. An inclusive political process to address the legitimate aspirations of all sectors of the Darfuri population will go a long way towards resolving the conflict.

All parties have to accept that there is no military solution to the conflict in Darfur. We call upon all parties to join the political process without preconditions and without any further delay. In that connection, it is necessary that the Council seriously consider measures against those who have so far refused to join the peace process.

It is also important that the proceedings at the ICC be undertaken in a manner consistent with its obligations and that they contribute to the efforts aimed at ending the conflict in Darfur. Any suggestion that has the effect of creating new obligations for States and regional organizations that are not parties to the Rome Statute will not be legally sound. Nor will such suggestions serve the purpose of peace in Darfur. As such, we cannot support them.

In conclusion, India will continue to support all diplomatic efforts for an early establishment of peace and security in Darfur that will afford all sectors of the Darfuri population opportunities for socio-economic development and peaceful coexistence through an inclusive political process.

The President (*spoke in Chinese*): I shall now make a statement in my capacity as the representative of China.

On the whole, the situation in Darfur, the Sudan, is now easing. There has been progress in the implementation of the Doha Document for Peace in Darfur. The international community should continue to support the parties in Darfur in fully implementing the Doha Document and in ensuring that the rebels there renounce violence and sign a peace agreement with the Sudanese Government on the basis of the Document.

China believes that the political process holds the key to an appropriate settlement of the question of Darfur. It is only through the realization of a lasting peace in Darfur by political means that the foundation can be truly laid for justice.

Our position on the question of the International Criminal Court remains unchanged. We hope that the efforts of the ICC on the issue of Darfur will facilitate the political settlement of the question of Darfur. We hope that the Security Council and the ICC will fully respect the views of the African Union and the Arab League on this question.

I now resume my functions as President of the Council.

I now give the floor to Mr. Luis Moreno-Ocampo to respond to the comments made and questions raised.

Mr. Moreno-Ocampo: With due respect for the Council and the Government of the Sudan, it is my duty as Prosecutor to inform the Council and to put on notice the Ambassador of the Sudan, Mr. Daffa-Alla Elhag Ali Osman, that in accordance with article 25 3(d) of the Rome Statute, his activities denying crimes in Darfur could be considered part of those crimes. The Office has an obligation to investigate anyone responsible for the commission of crimes. The Office will therefore investigate if Mr. Daffa-Alla Elhag Ali Osman's denial of the crimes committed could be considered a contribution to a group of perpetrators acting with a common purpose.

Since Nuremberg, it has been clear that obeying illegal orders is not a valid excuse for the commission of crimes. The Office will respect Mr. Osman's rights and invite him to present any exculpatory information, and it will check his intentions, including if he was aiming to further the criminal purposes of a group of perpetrators in Darfur. In that case, the Office will not hesitate to take appropriate action if the evidence leads to the conclusion that he is participating in the crimes.

The President (*spoke in Chinese*): I thank Mr. Moreno-Ocampo for his statement.

I give the floor to the representative of the Sudan.

Mr. Osman (Sudan) (*spoke in Arabic*): The statement made by the Prosecutor concerning the Permanent Representative of the Sudan is a violation of all political and diplomatic norms. It is a threat that should be rejected and that reflects his methods of work at the Court. I would even say that it is the statement of a terrorist who is trying to silence the voice of justice and that of a politician who does not recognize the political and diplomatic rules and norms that give us the right to defend ourselves and to make our voices heard by the Council, which is responsible for peace and security.

If he and his supporters have been touched by our strong words that have shaken his credibility and put in question his professionalism, then that is another issue that does not give him to right to once again use the Rome Statute to intimidate diplomatic personnel, whose duties and functions are stipulated in political and diplomatic rules. Such conduct should be rejected. To permit it would only undermine international legality, the work of the United Nations and all diplomatic norms.

Perhaps the Council has noticed that he is in an emotional state and is behaving emotionally as a result of what we stated regarding his conduct and his lack of credibility. That has prompted him, at this delicate juncture, to make a statement accusing the Permanent Representative of the Sudan of being behind the crimes committed in Darfur. That is the way in which he thinks, and that is the manner in which he has tackled all of these issues — in a totally illegal, immoral and illogical manner, to the extent of intimidation and terrorization.

I would have preferred to hear him respond to all of the arguments that I have put forward and the statements made by international personalities who have denied that ethnic cleansing has been committed in Darfur. Why did he not say at the time that he would also prosecute

President Obasanjo, Mr. Danforth and Judge Cassisi for having refuted allegations that ethnic cleansing had been committed?

I will stop here. I am confident that the Council's wisdom will guide it as concerns the manner in which he thinks and behaves.

The President (*spoke in Chinese*): There are no more names inscribed on the list of speakers. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 12.20 p.m.

Security Council

Distr.: General
6 June 2012

Original: English

Official communiqué of the 6779th (closed) meeting of the Security Council

Held in private at Headquarters, New York, on Wednesday, 6 June 2012, at 10.05 a.m.

In accordance with rule 55 of the provisional rules of procedure of the Security Council, the following communiqué was issued through the Secretary-General in place of a verbatim record:

> "On 6 June 2012, the Security Council, pursuant to annex II, sections A and B of resolution 1353 (2001), held its 6779th meeting in private with the troop- and police-contributing countries to the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo.
>
> "The Security Council and the troop- and police-contributing countries heard a briefing under rule 39 of its provisional rules of procedure by Mr. Roger Meece, Special Representative of the Secretary-General and Head of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo.
>
> "Members of the Council, Mr. Meece, and representatives of participating contributing countries had an exchange of views."

Please recycle

United Nations

S/PV.6780

Security Council

Sixty-seventh year

Provisional

6780th meeting

Wednesday, 6 June 2012, 10.45 a.m.
New York

***President*:**	Mr. Li Baodong	(China)
***Members*:**	Azerbaijan	Mr. Mehdiyev
	Colombia	Mr. Osorio
	France	Mr. Briens
	Germany	Mr. Berger
	Guatemala	Mr. Rosenthal
	India	Mr. Hardeep Singh Puri
	Morocco	Mr. Loulichki
	Pakistan	Mr. Tarar
	Portugal	Mr. Vaz Patto
	Russian Federation	Mr. Zhukov
	South Africa	Mr. Sangqu
	Togo	Mr. Menan
	United Kingdom of Great Britain and Northern Ireland	Mr. Tatham
	United States of America	Mr. DeLaurentis

Agenda

The situation in the Central African Republic

Report of the Secretary-General on the situation in the Central African Republic and on the activities of the United Nations Integrated Peacebuilding Office in that country (S/2012/374)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-506.

Please recycle

The meeting was called to order at 11 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Central African Republic

Report of the Secretary-General on the situation in the Central African Republic and on the activities of the United Nations Integrated Peacebuilding Office in that country (S/2012/374)

The President (*spoke in Chinese*): In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representative of the Central African Republic to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite Ms. Margaret Vogt, Special Representative of the Secretary-General and Head of the United Nations Integrated Peacebuilding Office in the Central African Republic, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I wish to draw the attention of Council members to document S/2012/374, which contains the report of the Secretary-General on the situation in the Central African Republic and on the activities of the United Nations Integrated Peacebuilding Office in that country.

I now give the floor to Ms. Vogt.

Ms. Vogt: It is an honour to introduce the seventh report of the Secretary-General (S/2012/374) on the work of the United Nations Integrated Peacebuilding Office in the Central African Republic (BINUCA). The report presents the main developments in the Central African Republic during the first half of 2012 — the achievements and, more important, the challenges confronting the Government and people of the Central African Republic — and makes recommendations for the critical action required to address some of those challenges.

While 2011 ended on a note of optimism and expectations for the continuing stabilization of the political landscape in the Central African Republic, 2012 opened with a number of critical developments that dampened that enthusiasm. Four leaders of two politico-military groups were arrested on charges of plans to relaunch the rebellion, and the consultation between the Government and the political parties, including the opposition, on the revision of the electoral code was suspended before a consensus was reached and a bill on a permanent electoral body was sent to Parliament for adoption. Fortunately, the case against the arrested leaders was subjected to legal proceedings. They were granted provisional freedom, and one of them returned to his role as Vice-President of the Disarmament, Demobilization and Reintegration Steering Committee; he oversaw the completion of the disarmament of the Armée populaire pour la restauration de la démocratie (APRD), one of the politico-military groups, the Union des forces de la résistance and the Front démocratique du peuple centrafricain in the north-central area of the country, as well as the dismantling of the APRD as a rebel group in May.

In April, the Bureau of the National Assembly returned the bill on the permanent electoral body to the Government because of several irregularities and unconstitutional provisions, despite the near domination of the National Assembly by the ruling Kwa Na Kwa (KNK) party. BINUCA and the international community continue to encourage the authorities, political parties and civil society of the Central African Republic to reach a consensus on this matter, which is crucial to the stability of their country. It is equally important that the Government remain engaged in this review process, and that consensus be reached on the electoral reform process and the structure of a permanent electoral management body. We were very encouraged that the parliament showed independence in spite of the criticism expressed by many that it was dominated by one party, reaffirming our view that it has remained very independent in its modus operandi.

On 15 May, President Bozizé invited leaders of the opposition to begin a constructive dialogue at a date to be determined. Although the opposition parties have expressed their satisfaction with the hand extended to them by the President, they have a number of prerequisites. Those include agreement on, first, the nature and objectives of the dialogue; secondly, identifying stakeholders; thirdly, determining the topics of national interest to be discussed; and fourthly, the signing of a comprehensive political agreement to be endorsed by all stakeholders. Opposition parties and civil society have also requested expertise and support from active United Nations observers, as was done for the last set of consultations. The Policy Mediation Division of the Department of Political Affairs is already on standby to provide that assistance once the Government has officially requested it.

The Government continues to push for the completion of the disarmament process. In April it convened a meeting of friends in New York at which a budget for completing the disarmament, demobilization and reintegration (DDR) process was presented for support. The meeting was important for three reasons: first, the Government was able to show its own people — who had become very critical of the fact that the disarmament process had been suspended for lack of funds — that it was making every effort to seek international support to relaunch the process. Secondly, the meeting presented the international community with a clear budget for what was required and what the Government itself had invested. And, finally, it clarified the Government's commitment to completing the process. The Council will recall that in previous years the Government's political commitment to the process was constantly being questioned; it has now been clearly demonstrated.

The New York meeting was followed up by concrete steps taken by the Government of the Central African Republic towards ensuring the completion of the disarmament process in the North. The Government provided $440,000 from its own resources, which, in addition to United Nations support, enabled disarmament in the north-central area to be completed. Australia has pledged $200,000 and Luxembourg has granted €100,000 towards the continuation of the disarmament process.

The Government has continued the consolidation of the security situation in the Central African Republic, and has focused on taking charge of the security situation since June last year. The Government activated the Chad, Sudan and Central African Republic tripartite agreement and deployed a force to carry out an operation that has led to the stabilization of the north-east.

Following the return of peace to the Vakaga region, the tripartite force has pacified all of the north, including the restive region in and around Birao, enabling the return of the internally displaced population and a resumption of international access to the region. It will be important to launch DDR operations in that region, the only remaining sector where DDR has to take place, as soon as possible, in order not to jeopardize the Government's stabilization efforts. At this critical juncture, it is important that the international community provide the financial support needed to complete the DDR process. We believe that the Government has done its part, and it is now up to us to help complete the work still to be done. Almost no section of the Central African Republic is now inaccessible to us for security reasons, except for pockets here and there, largely areas affected by the Lord's Resistance Army.

In the area of security sector reform (SSR), the new road map adopted in mid-February by the national Security Sector Reform Steering Committee and developed with technical support from BINUCA, marks the revival of the SSR process in the Central African Republic. It envisions the formulation of six sub-sectoral strategies, which will be consolidated into a three-year national SSR strategy.

The subsectoral strategy on the Forces armées centrafricaines (FACA) and the gendarmerie was recently completed and has been approved by the Ministry of Defence. We have therefore completed the subsectoral strategy for the FACA division and the gendarmerie. A preliminary draft of the subsectoral strategy on the police has also been completed and is undergoing revision. The subsectoral strategy on the democratic control of the security sector, completed in January 2011, is being updated.

The drafting of a subsectoral strategy on the justice sector is currently ongoing. Additional funds and expertise are required to complete the work in the areas of public finance, customs and decentralization, as well as environmental protection. They are currently waiting for BINUCA to provide them with the expertise needed to advance work in that area. The completion of a broad national security sector reform strategy will be an important step forward and should help focus national and international effort in that vital area.

However, local inter-ethnic tension resulting from the most recent conflict in the Vakaga region, in the north-east, persists, as do conflicts between farmers and local communities over grazing rights. Tension between the Muslim community, especially of Chadian extraction, and local communities has also increased, especially following the joint Central African Republic/Chad offensive against the Front populaire pour le redressement (FPR) in January, with many suspected of harbouring fleeing FPR fighters. In that regard, BINUCA plans to launch social cohesion projects, in particular among women, to facilitate reconciliation in Haute-Kotto following the deadly clashes of September

2011, which tore the Goula and Runga communities apart.

BINUCA continues to encourage and enhance the capacity of the National Council for Mediation (NCM). The Council remains poorly resourced at the national level, and is inexistent at the local level. In that regard, BINUCA received funding from the extrabudgetary funds of the Department of Political Affairs to help enhance the Council's capacity and to establish local councils for mediation.

Despite those positive developments among the Central African Republic's political-military parties, two foreign armed groups continue to pose a serious threat to the peace process. The FPR, led by Chadian rebel Baba Laddé, was dislodged following the joint Central African Republic/Chad military strike launched against the stronghold in the prefecture of Nana-Gribizi on 23 January. The operation destroyed the command centre of the group, resulting in the dispersion of its fighters, who launched sporadic attacks and threatened the free movement and security of the population. I am happy to report that that situation has, fortunately, been brought under control as the FACA, in a new wave of enthusiasm, has shown great agility in containing FPR fighters.

The reporting period also witnessed a spike in Lord's Resistance Army attacks in the Central African Republic in the prefectures of Mbomou and Haut-Mbomou. However, there is now a new momentum in national and international efforts to address the LRA challenge in the Central African Republic, and in the subregion as a whole. The coordination of the operations of Ugandan and Central African Republic forces against the LRA has been greatly enhanced with the support of United States military advisers. That may have contributed to the recent arrest of "Brigadier General" Caesar Achellam and the defection of two LRA fighters.

BINUCA has formulated a multifaceted national strategy that would complement steps being taken by the Government of the Central African Republic and United Nations Regional Office for Central Africa in support of the African Union Regional Cooperation Initiative on the LRA. The Office intends to help the Central African Republic to develop a better communication system so as to improve reporting and warning time, replicating the existing early-warning system developed by MONUSCO in the Democratic Republic of the Congo.

Furthermore, BINUCA is working with national and international partners to put in place a strategy to encourage the defection of LRA fighters, as well as a policy for repatriation to their home countries. Parallel to the regional coordination efforts on a disarmament, demobilization, repatriation, resettlement and reintegration (DDRRR) strategy, BINUCA is facilitating the development of a national DDRRR strategy in the LRA-affected areas of the country. In order to strengthen our footprints in the south-east, last month we deployed two international consultants to Obo to work with the Joint Information and Operations Centre. That deployment was undertaken by BINUCA with very meagre internal resources. We count on the support of Member States to help us continue with the deployment.

The Government continued to experience budgetary difficulties as a result of the stoppage of support by the international community, but has continued to pay the salaries of civil servants. In fact, the Government has prioritized the regular payment of civil servants. From 4 to 19 April, an International Monetary Fund (IMF) delegation held discussions in Bangui on a Government economic programme to be supported by the Fund, with concessional resources under the IMF's Extended Credit Facility. During the discussion, the Government committed to undertaking a number of reforms to strengthen budget execution and to improve transparency. The Government also committed to adjusting petroleum prices to safeguard the budgeted domestic revenues, as approved by parliament in December 2011. In fact, they have already started obtaining some of that subsidy.

Subject to the resolution of a few pending issues, for example, the clearance of payment arrears to members of the Paris Club and the transparent accounting of exceptional revenue from the exploitation of natural resources, the authorities' request could be submitted for approval to the IMF Executive Board before the end of this month.

On the humanitarian front, the situation remains highly precarious and is seriously impacted by the lack of basic health-care infrastructure. Some 75,000 Central Africans remain displaced and living in precarious conditions, out of which more than 20,000 were displaced by the LRA between 2008 and 2011. The situation of those people is very worrisome.

The population of the Central African Republic is constantly at risk because of the extreme level of vulnerability that the country is facing. Two thirds of the population does not have access to safe drinking water or health-care facilities. The education system is weak. One third of all children nationwide are not attending primary school. An estimated 42 per cent of the population is food- insecure. The HIV/AIDS pandemic is on the increase, especially in Bangui and in the conflict-affected areas. Women are more affected than men, and boys more so than girls.

The Consolidated Appeals Process requesting $134 million remains grossly underfunded, the latest figure being 36 per cent. About 40 humanitarian organizations are struggling to assist an estimated 1.9 million people in desperate need, which is nearly half of the population. It is therefore vital that humanitarian organizations reach people in need, in a country where life expectancy stands at 48 years. I appeal to the Council to sensitize the international community to help address the Central African Republic's need for urgent humanitarian assistance.

The report notes an upsurge in human rights violations, including summary executions, torture, arbitrary arrests and detentions perpetrated by the security and defence forces, particularly by some members of the presidential guard. Such abuses are often carried out in detention centres, with total impunity. BINUCA has been particularly worried by the non-observance of the basic rights of presumption of innocence until proven guilty.

The prolongation of preventive detention, the refusal to grant access to legal counsel to the persons arrested, and the non-compliance with the legal provisions on the duration of custody also remain major challenges in the Central African Republic. BINUCA has constantly pressed the issue of such irregularities with national authorities, including the Minister of Justice and the High Commissioner for Human Rights and Good Governance, but much remains to be done to observe due process in detention and to prevent illegal arrests and detention.

In conclusion, the Central African Republic is at a critical juncture. I said the same thing last year (see S/PV.6687) and I am repeating it this year. It is therefore essential, as reported in the Secretary-General's report, to continue building on the momentum recently created by the Government on the political, security and DDR fronts. The dynamic of peace between the Government and the politico-military groups and the dialogue called by the President offer a real chance for the stabilization of this beautiful country.

The population of the Central African Republic sincerely hopes that it can count on the international community's continued assistance and generosity to help bring about lasting peace in their country through the completion of the DDR process. On behalf of the Secretary-General, may I also express my gratitude to the members of the Council for their continued support. We know that they are seized with bigger dossiers, but the Central African Republic is a dossier that is doable.

In conclusion, I would like to pay tribute to Ambassador Jan Grauls, who has spared no effort in the search for resources for sustainable peace and stability in the Central African Republic. He remains a friend of the United Nations family in the Central African Republic and a friend of the Central African Republic itself for what he has accomplished as Chair of the Central African Republic configuration of the Peacebuilding Commission.

The President (*spoke in Chinese*): I thank Ms. Vogt for her briefing.

I now give the floor to the representative of the Central African Republic.

Mr. Doubane (Central African Republic) (*spoke in French*): Today's meeting of the Security Council on the report (S/2012/374) of the Secretary-General on the situation in the Central African Republic and on the activities of the United Nations Integrated Peacebuilding Office in that country provides the delegation of the Central African Republic, which I lead, with an opportunity to congratulate you, Sir, on your assumption of the presidency of the Council for this month. I also wish you every success in your work in the month of June. I would also like to take this opportunity to commend the leadership of your predecessor in the month of May, His Excellency the Ambassador and Permanent Representative of Azerbaijan.

The Central African Republic very much appreciates the work carried out by His Excellency the Secretary-General and thanks him for the fact that peace has returned to our country. I would also like to extend similar gratitude to my colleague, His Excellency Mr. Jan Grauls, Permanent Representative of Belgium to the United Nations and outgoing Chair of the Central African Republic configuration of the Peacebuilding

Commission, for his tireless efforts for the cause of the Central African Republic.

With regard to the Special Representative of the Secretary-General and Head of the United Nations Integrated Peacebuilding Office in the Central African Republic, Ms. Margaret Vogt, and her team, who, at times in difficult conditions, work each day alongside the population of the Central African Republic, we have only two words to say to her — words that she is used to hearing every day when she meets Central Africans. To Margaret we say, from the bottom of our hearts, thank you.

The report that has just been introduced provides an update on the Central African Republic since the last assessment report (S/2011/739), published on 28 November 2011. It reflects the fear, the anguish, the uncertainty, the joy, but above all the hope of a country that wants to close a chapter in its history and begin a different one. We take note of the report and share the majority of its contents. However, that assessment does give rise to some observations and hopes that we would like to share with the Council, following the structure of the text, namely, with regard to the political, security, economic and humanitarian situations. First of all, however, we would like to reiterate the readiness of the Government to take into account the recommendations formulated by the Secretary-General, which chart the course to be followed in order to bring about peace. That is an outcome that everyone has awaited for quite a long time, and especially, of course, the benefits that it can produce.

At the political level, the general elections of 2011 redefined a new political and institutional order. At the same time, they also created some frustration at the absence of an opposition in parliament — which, at a certain point, unsettled national cohesiveness. Having realized the situation, on 15 May His Excellency President François Bozizé began discussions with the entire national political class and civil society on future of the country, with everyone sharing their ideas. The Government hopes that everyone will reach out for the hand that has been extended to every son and daughter of the Central African Republic so that we can finally work together in the service of our country, which today is beset by so many challenges, the most important of which pertains to security.

The draft electoral code that was presented by the Government to the parliament was returned. Discussions on that important document should resume shortly with all the parties involved, for we agree with the international community that peace and stability following the elections depends on the consensual adoption of such a text. Those are conditions that are necessary for development, something which is desired and sought by all the people of the Central African Republic.

With regard to security, it remains the fundamental concern of the Government. We hardly need to point out that without security, any effort at development would remain in vain and destined to fail. As indicated in the report, recent developments on the ground show a glimmer of hope. Today, with the self-disbandment of the Armée populaire pour la restauration de la démocratie, the disarmament and demobilization of former rebels of the Front démocratique du people centrafricain, accompanied by the willingness to demobilize clearly demonstrated by other movements — the Convention des patriotes pour la justice et la paix and the Union des forces démocratiques pour le rassemblement — the State is gradually regaining control over a large part of its national territory. That will also enable a progressive return of internally displaced persons and refugees.

However, two foreign armed groups continue to sow terror throughout the country. Despite the fact that the Forces armées centrafricaines (FACA), with the help of the Chadian forces, were able to destroy the command centres and operational bases of the Front populaire pour le redressement (FPR) of Baba Laddé, a Chadian national, the fact that he remains at large, with his forces scattered, is a source of concern. The defence and security forces are continuing to pursue them.

The Lord's Resistance Army of Joseph Kony, a Ugandan citizen, is terrorizing the east and part of the north-east of the country. Working together in an integrated framework, the United Nations, the African Union and the Economic Community of Central African States (ECCAS), with the support of some 100 American military advisers, have obtained fairly satisfactory results that, we hope, will make it possible in the near future to put a definitive end to one of the most cruel atrocities of our time. Here I wish to express my Government's gratitude to all actors involved in its quest for peace.

On the economic and humanitarian front, the lack of security in former and current conflict areas has put an end to all development efforts, further impoverishing the population, particularly its most vulnerable elements: women and children.

The Government, some of its bilateral and multilateral partners and non-governmental organizations (NGOs) are pooling their resources and efforts in order to assist the people, who, fortunately, have not yet lost hope.

For two years now, the Central African Republic has been in negotiations with the Bretton Woods institutions, particularly the International Monetary Fund, with a view to the signing of a programme that would allow it to finance its development. It would be unrealistic to believe that we can achieve the Millennium Development Goals by 2015 in certain areas, particularly that of health, without such support. That does not, however, mean that there is a lack of political will to achieve that goal.

With respect to disarmament, demobilization and reintegration (DDR), the recent meeting of the friends of the Central African Republic, held jointly by the Government and the United Nations Integrated Peacebuilding Office in the Central African Republic (BINUCA) on 5 April in New York, provided an overview of the process and made clear the challenges still to be met. Once again, we would like to thank the Secretary-General and all partners that have supported us in this respect. I should like in particular to mention the assistance of Australia and, more recently, of Luxembourg, as well as the very important contribution of the Peacebuilding Fund.

Using domestic resources, the Government is continuing, and will continue, to implement that policy so as to bring about a definitive peace and enable the people, who have been awaiting it, to enjoy its benefits. But the DDR process cannot be achieved without genuine reform of the security sector, and that is why my country has set itself the objective of ensuring that its defence and security forces are respectful of human rights. Despite a difficult beginning, security sector reform has been under way since February, with the assistance of BINUCA, the United Nations Development Programme and a number of bilateral partners, including France.

We recognize that the area of human rights and the rule of law represents an Achilles heel not only for the Central African Republic but for many other countries are well, because post-conflict countries cannot simply wave a magic wand and change mindsets. The Government will continue with the reforms under way in order to establish a State that genuinely protects and defends human rights. The Government remains aware of the behaviour of certain rogue agents of the forces of law and order, who sometimes, especiallyin conflict areas, violate the fundamental rights of local populations.

The justice system — a bulwark against arbitrariness — is carrying out, and will continue to carry out, its work of protecting those under its jurisdiction, including women and children. Every day in the Central African Republic, we are slowly but surely, in concert with the United Nations and other partners, building a State that truly respects the rule of law. Together we will be able to iron out the imperfections and make up for the shortcomings that have been noted, including those relating to persons awaiting trial and other convicted prisoners, who should benefit from all legal guarantees pertaining to their situation.

Finally, the Government of the Central African Republic would like to take this opportunity to express its deep gratitude for the work of the Peacebuilding Fund and the Peacebuilding Commission, two major instruments that are assisting it in the establishment of the rule of law and good governance; security; the creation of employment zones; and the post-conflict rehabilitation of communities.

The Government and the people of the Central African Republic and the international community all desire and are seeking peace, which is indispensable and remains a precondition for development. That is why the highest authorities of my country are sparing no effort in that quest. Along with Chad and the Sudan, they have established, and are acting together in the framework of, the tripartite force to secure the three-border area, near Darfur.

Along with the Central African subregion, we are cooperating with the Mission for the Consolidation of Peace in the Central African Republic in securing the country. In the fight against the LRA, we have joined the multinational force established to that end by the African Union, ECCAS and the United Nations Regional Office for Central Africa, with the support of United States military advisers.

The report of the Secretary-General (S/2012/374) contains recommendations that represent ways forward to achieve peace. There may sometimes be difficulties, but what alternatives do we have? None, clearly. The Government of the Central African Republic will endeavour to implement those recommendations.

The Central African Republic has only one objective: to build a democratic State that respects the rights of its citizens, who are deeply peace-loving, and devote itself to the well-being of its people and those who choose to live in the country. That is what it is doing, alone and together with friendly countries, the United Nations, regional and subregional organizations, and national and international NGOs, to which we are very grateful.

In concluding, let me say that we should never lose sight of the fact that in today's very unstable world, the geographical and geostrategic position of the Central African Republic merits its being given some consideration. We are convinced that to support the Central African Republic in its quest for peace is to contribute to the stability and development of the African continent as a whole..

The President (*spoke in Chinese*): **There are no more names inscribed on the list of speakers.**

I now invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 11.40 a.m.

United Nations

S/PV.6781

Security Council

Sixty-seventh year

Provisional

6781st meeting

Thursday, 7 June 2012, 10 a.m.
New York

President:	Mr. Li Baodong	(China)
Members:	Azerbaijan	Mr. Mehdiyev
	Colombia	Mr. Osorio
	France	Mrs. Le Fraper du Hellen
	Germany	Mr. Berger
	Guatemala	Ms. Pérez
	India	Mr. Kumar
	Morocco	Mr. Bouchaara
	Pakistan	Mr. Ahmad
	Portugal	Mr. Vaz Patto
	Russian Federation	Mr. Zhukov
	South Africa	Mr. Laher
	Togo	Mr. Mbeou
	United Kingdom of Great Britain and Northern Ireland	Mr. Roscoe
	United States of America	Mr. DeLaurentis

Agenda

Non-proliferation

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The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

Non-proliferation

The President (*spoke in Chinese*): The Security Council will now begin its consideration of the item on its agenda.

Members of the Council have before them document S/2012/407, which contains the text of a draft resolution submitted by the United States of America.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. I shall put the draft resolution to the vote now.

A vote was taken by show of hands.

In favour:

Azerbaijan, China, Colombia, France, Germany, Guatemala, India, Morocco, Pakistan, Portugal, Russian Federation, South Africa, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America

The President (*spoke in Chinese*): The draft resolution received 15 votes in favour. The draft resolution has been adopted unanimously as resolution 2049 (2012).

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 10.15 a.m.

United Nations S/PV.6782

Provisional

Security Council

Sixty-seventh year

6782nd meeting

Thursday, 7 June 2012, 10.15 a.m.
New York

President: Mr. Wang Min (China)

Members:

Azerbaijan	Mr. Mehdiyev
Colombia	Mr. Quintana
France	Mrs. Le Fraper du Hellen
Germany	Mr. Berger
Guatemala	Mr. Rosenthal
India	Mr. Kumar
Morocco	Mr. Bouchaara
Pakistan	Mr. Ahmad
Portugal	Mr. Madureira
Russian Federation	Mr. Karev
South Africa	Mr. Tladi
Togo	Mr. Afande
United Kingdom of Great Britain and Northern Ireland	Mr. McKell
United States of America	Mr. DeLaurentis

Agenda

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994

> Letter dated 23 May 2012 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 addressed to the President of the Security Council (S/2012/354)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-506.

Please recycle

Letter dated 22 May 2012 from the President of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994, addressed to the President of the Security Council (S/2012/349)

The meeting was called to order at 10.15 a.m.

Adoption of the agenda

The agenda was adopted.

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994

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The President (*spoke in Chinese*): Under rule 37 of the Council's provisional rules of procedure, I invite the representatives of Croatia, Rwanda and Serbia to participate in this meeting.

Under rule 39 of the Council's provisional rules of procedure, I invite the following briefers to participate in this meeting: Judge Theodor Meron, President of the International Criminal Tribunal for the Former Yugoslavia; Judge Vagn Joensen, President of the International Criminal Tribunal for Rwanda; Mr. Serge Brammertz, Prosecutor of the International Criminal Tribunal for the Former Yugoslavia; and Mr. Hassan Bubacar Jallow, Prosecutor of the International Criminal Tribunal for Rwanda.

The Security Council will now begin its consideration of the item on its agenda.

I wish to draw the attention of Council members to documents S/2012/354 and S/2012/349, which contain, respectively, a letter dated 23 May 2012 from the President of the International Criminal Tribunal for the Former Yugoslavia, and a letter dated 22 May 2012 from the President of the International Criminal Tribunal for Rwanda.

I now give the floor to Judge Meron.

Judge Meron: It is an honour for me to appear before the Security Council today to address the Tribunal's progress in completing its mandate as set forth in the written report (see S/2012/354) recently submitted to the Council.

I am pleased to report that the Tribunal has made great strides in the implementation of the completion strategy and in facilitating a smooth transition to the International Residual Mechanism for Criminal Tribunals. Reforms have been implemented in a number of areas and have already positively impacted the pace of our work, without sacrificing due process.

At the same time, the Tribunal still faces difficult challenges, particularly with regard to staff attrition. Valuable and long-serving employees continue to depart for more secure employment opportunities. In addition, our preparations for the transition to the Residual Mechanism have called for the resolution of a multitude of novel practical and legal questions.

As explained in my report submitted on 23 May, most of the Tribunal's ongoing trials are forecast to end soon. Of the eight trials currently in progress, five are expected to be completed by December 2012. However, other trials, including those that involve the recently arrested accused, namely, Karadžić, Mladić, and Hadžić, will take longer to complete. It is anticipated that the trials of Mladić and Hadžić may continue past the indicated completion date of December 2014. The Council may rest assured that the benches hearing those cases continue to focus on innovative ways to minimize potential delays while fully protecting the rights of the accused.

In that respect, I note that due to efficiency measures adopted in pre-trial proceedings, the *Mladić* case commenced on 16 May 2012, which is six months before the anticipated start date forecast in last November's report (see S/2011/473) to the Council. While there has been a short adjournment due to disclosure failures, that delay is not likely to significantly impede the progress of the case.

The *Hadžić* case is due to commence in October 2012, which is three months ahead of the anticipated start date previously reported. During my last presentation (see S/PV.6678) to the Council, I advocated the reassignment of contempt cases to ad litem judges. That reform, aimed at relieving the burden falling on our permanent trial judges, some of whom were forced to balance up to eight contempt cases alongside two substantive cases, greatly helped us in moving those substantive cases along. I would like to express my great appreciation to the Council for supporting that reform. I am pleased to report that the reassignment of contempt cases has been one of the factors that have allowed cases such as *Hadžić* to be trial-ready earlier than previously anticipated.

The Tribunal's Appeals Chamber is also making great progress towards the completion of the cases on its docket. For example, due to the adoption of innovative measures, the hearing in the *Gotovina and Markač* case was held more than nine months earlier than previously forecast. Likewise, preparations in the *Perišić* appeal are advancing very rapidly. While great strides have been made in those cases, the complexity of issues involved in one multi-accused case, coupled with translation and staffing issues, has caused that case to suffer delays. The bench in that case is taking all possible measures to minimize further delays. With respect to future potential appeals, it is anticipated that any appeals in the cases of the lately arrested accused — *Karadžić*, *Mladić*, and *Hadžić* — will fall under the competence of the Residual Mechanism.

I would like to draw the particular attention of the Security Council to the cases of *Tolimir* and *Prlić et al*, in which trial judgements are expected by the end of this year, and to the *Šešelj* case, in which a trial judgement is now expected by March 2013. As members may recall, during my last presentation to the Security Council, I reported on measures I had adopted to reduce the time required for translation in these cases by 50 per cent. Those measures are still in place, but unforeseen delays in the trials themselves have delayed the relevant trial judgements. As a result, depending on when the trial judgements are delivered and on the procedural postures adopted by different parties, it is possible that any appeals in some or all of those three cases will fall within the jurisdiction of the Residual Mechanism, even though the relevant translation times have been reduced dramatically. If, however, appeals in those cases are filed before the Appeals Chamber of the International Criminal Tribunal for the Former Yugoslavia (ICTY), based on current forecasts, that would lead the ICTY Appeals Chamber and the Appeals Chamber of the Residual Mechanism to operate in tandem until 2016.

I am frequently asked about the health of one detainee, Mr. Vojislav Šešelj. I would underscore that Mr. Šešelj, like all detainees, is entitled to and receives the highest standard of medical care in the Netherlands. I personally take great interest in ensuring that all detainees receive the best medical care possible. While medical information on individual detainees must of course be, and remain, confidential, I can inform the Council of my confidence that all possible measures are being taken to ensure Mr. Šešelj's health.

While the factors leading to delays are often beyond my control, I can also assure Council members that I am taking all possible measures consistent with principles of due process and judicial independence to ensure the completion of those cases, including the necessary translations, as soon as possible.

Another reform that has benefited the Tribunal during the reporting period is the waiver of the prohibition on the direct hiring of interns maintained by the Office for Human Resources Management of the United Nations. The lifting of that prohibition has already allowed the Tribunal to take steps to mitigate the effects of staff departures in particular cases. While the Tribunal is extremely grateful for the support expressed for that reform during my previous visit to the Council, I must emphasize that that measure is not a panacea. Highly experienced and valued staff members continue to leave the Tribunal in increasing numbers. The Tribunal has made little progress in securing support for the different staff retention measures that it has presented to the United Nations over more than half a decade. As set forth in my report, delays in several ongoing cases can be directly attributed to staff attrition. Given that unfortunate reality, the Tribunal can only strive to ensure that staff departures do not unduly impact the Tribunal's completion strategy, and that they do not place too onerous a burden on the remaining staff, whose extraordinary commitment, diligence and talents are fundamental to the Tribunal's continuing success.

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I shall now turn to the Tribunal's progress in preparing for the transition to the Residual Mechanism. I am very pleased to report to the Council that the transition is proceeding smoothly, thanks in great part to the Registrar of the Residual Mechanism and the ICTY and to the Registrar of the International Criminal Tribunal for Rwanda (ICTR). In accordance with resolution 1966 (2010), the Residual Mechanism will commence operations on 1 July with the opening of the Arusha branch of the Mechanism.

In anticipation of that milestone, we have taken a number of important steps, including swearing in all judges. We have also circulated the draft rules of procedure and evidence to the judges for their consideration. I have every expectation that the rules will be adopted without delay. Thanks to the constructive cooperation of my colleagues, therefore, we have been able to complete the swearing in of judges. We hope that the rules will be adopted expeditiously. I note that by deploying innovative processes to complete those tasks, we have conserved United Nations resources to the maximum extent possible. We have also been advertising vacancies in order to recruit the necessary staff. I wish to express my appreciation to the Office of Human Resources Management for authorizing the Registrar of the Residual Mechanism to transfer a number of staff from the Tribunal and from the ICTR to the Mechanism via a transparent recruitment process that avoids the delays sometimes associated with the Inspira recruitment system of the United Nations.

In early May, the first Coordination Council meeting of the principals of the Residual Mechanism was convened in Arusha, followed by a first ever joint Coordination Council meeting between the principals of the Mechanism and the principals of the ICTR. Those meetings enabled us to reach a number of vital decisions related to the orderly transfer of ICTR functions to the Mechanism, such as the monitoring of cases referred to national jurisdictions.

Thanks to those preparations, on 1 July the Residual Mechanism will be ready to assume competence over all judicial and prosecutorial functions identified in resolution 1966 (2010) in relation to the ICTR, including the protection of victims and witnesses, the tracking of fugitives, the enforcement of sentences, contempt proceedings, and the monitoring of rule 11 bis transfers.

In addition, as Council members are aware, the Residual Mechanism may soon be called upon to exercise jurisdiction over the appeals, if any, in up to three ICTR cases in which trial proceedings were recently delayed. Appeals in those cases, originally budgeted for by the ICTR, will require the assignment of an appeals bench of Residual Mechanism judges and the support of legal and administrative staff. They will therefore have financial consequences for the Residual Mechanism not previously foreseen. It is now understood that certain other judicial activities provided for in the budget of the Residual Mechanism will not occur. The funds budgeted for those activities can therefore be used to support the appeals, if any, in the ICTR cases. Nevertheless, the overall cost to the United Nations will be greater than formerly envisaged.

Finally, in accordance with resolution 1966 (2010), the Tribunal continues to work with the countries of the former Yugoslavia to facilitate the establishment of information centres in the region. During the reporting period, Croatia advised the Tribunal of its commitment to the establishment of such a centre and its identification of a building for that purpose. The Bosnian and Croat members of the Presidency of Bosnia and Herzegovina have also recently indicated their support for the establishment of information centres in Sarajevo. The Tribunal is currently collaborating with partner organizations, including the United Nations Development Programme, the United Nations Interregional Crime and Justice Research Institute and the Government of Switzerland in moving the project to the next stage. The Tribunal is still awaiting word from the Government of Serbia as to whether it wishes to proceed with the establishment of information centres on its territory.

The reporting period has been one of great productivity on the part of the Tribunal, leading to substantial progress towards the completion of its mandate. That positive development is largely thanks to the exceptional efforts of the Tribunal's judges and staff and to the implementation of management reforms. I would emphasize once more the great challenges related to the Residual Mechanism and the stellar work of all those involved in facilitating a seamless transition to, and smooth commencement of, the Mechanism. They should be congratulated for their dedication.

By establishing the Residual Mechanism, the Council has helped to guarantee that the closure of the two pioneering ad hoc tribunals does not open the way for impunity to reign once more, whether for those whose trials or appeals before the ICTY and the ICTR will not have been completed or for those remaining fugitives indicted by the ICTR who must still be brought to justice. With the Residual Mechanism, the Council has also helped to ensure that the rights of victims, witnesses, persons whose cases have been referred to national jurisdictions and persons tried or convicted by the Tribunal and the ICTR will remain both respected and protected, even after the two original ad hoc tribunals cease to function. Furthermore, in creating the Residual Mechanism, the Council has devised a means to protect and, wherever possible, share the unprecedented body of jurisprudence, evidence and other historic records of the ICTY and the ICTR for generations to come. In short, the success of the Residual Mechanism is not simply important for the sake of that institution; the Mechanism's effectiveness is also crucial to safeguarding the Tribunal's own invaluable legacy.

On behalf of the Tribunal, I thank the Council for its continuing support and for its commitment to making sure that the very best traditions of international criminal justice — which the Tribunal has helped to define for nearly two decades — live on.

The President (*spoke in Chinese*): I thank Judge Meron for his briefing.

I now give the floor to Judge Joensen.

Judge Joensen: I would like to begin by congratulating the Permanent Representative of China, the Council member which holds the presidency of the Security Council for the month of June. I wish you, Sir, all the best for a successful tour of duty.

It is a great honour for me to address the members of the Security Council as the new President of the International Criminal Tribunal for Rwanda (ICTR) and to present the Council with the current update on our completion strategy. I would like to express the appreciation of the entire Tribunal to all of the Governments of the Security Council for their continued support as we draw ever closer to the completion of our work. I would also like to congratulate the Permanent Representative of Council member Guatemala, who has taken over as Chair of the Informal Working Group on International Tribunals.

I am happy to report to the Council that since the last report (see S/2011/731) the Tribunal has undergone a significant shift with respect to both judicial and administrative activities. As we near the completion of all trial work, judicial and legal activities have become more focused on requests for referral of cases to Rwanda, and administrative energies are increasingly spent on downsizing and providing the support necessary for the opening of the Arusha branch of the Residual Mechanism next month. However, none of that has taken away from the core of our work, which is to complete all trial and appellate proceedings in a fair and expeditious manner.

In December 2011, in line with projections since 2010, the final multi-accused trial judgement was delivered in the *Karemera et al.* case, marking the most expeditious judgement delivery in a multi-accused case and showing that efforts to improve efficiency in recent years have been effective in many cases. During that same month, the Appeals Chamber upheld the decision to refer the first ICTR case to Rwanda for trial. After finalizing the arrangements for monitoring, Jean Uwinkindi was transferred to Rwanda in April 2012. A further three cases of fugitive accused have already been referred to Rwanda. The Prosecutor has also requested, or will request, three more referrals of fugitive cases, all of which will be disposed of by next month. The final three fugitives, for whom evidence preservation will be concluded this month, are slated for trial by the Residual Mechanism upon arrest. The Prosecutor will provide further details on fugitive referral applications and tracking during his presentation.

Five trial judgements were projected for delivery during this six-month reporting period. Of the five, all but one will have been delivered by the end of this month. Owing to unforeseeable fair-trial requirements, including the necessary continuation of the evidence phase of the trial, judgement in the trial of Augustin Ngirabatware — the final remaining ongoing ICTR trial — is now expected by the end of 2012, and closing arguments are scheduled for next month. Additionally, just yesterday the Trial Chambers granted the application for referral to Rwanda of the case against Bernard Munyagishari, the final accused in pre-trial custody at the Tribunal. I must note that the accused may appeal that decision. If that happens, we hope to have a decision from the Appeals Chamber in the next several months.

Therefore, based upon the current status of cases, in stark contrast to the report delivered only six months ago, I am happy to bring news that the Tribunal now has a vastly reduced judicial workload. Due in no small part to the continued hard work of our staff, nearly all trial work is complete. Only one trial judgement in an ongoing case will remain to be delivered in the second half of 2012. All appeal judgements remain on track to be completed by the end of 2014.

It must be noted, however, that pursuant to the transitional arrangements the responsibility for two pending contempt of court/false testimony cases where indictments have already been confirmed remains with the ICTR. In the event of arrests in those cases, or if the Munyagishari referral is not upheld on appeal, the anticipated completion of trial work may need to be pushed back.

I would also like to take this opportunity to provide the members of the Council with an update on the status of the three cases on which there remains some question as to whether the appeals, if any, would be filed with the ICTR or the Residual Mechanism. For the first two cases, there is a possibility for the appeals to remain with the ICTR. The third will certainly go to the Residual Mechanism.

In the *Nizeyimana* case the judgements will be delivered later this month; in the *Nzabonimana* case, oral judgement was rendered last week and the written judgement will be filed later this month. Whether the ICTR or the Residual Mechanism hears the appeal in those two cases will depend upon the dates that the notice of appeal in each case is filed.

The parties have 30 days from the filing of the written judgement to file their notice of appeal, if any. In both cases notices of appeal could be filed prior to 30 June, causing them to be heard by the ICTR. However, in both cases the time limits for filing allow the parties to file after 1 July, the date from which cases go to the Residual Mechanism. For the third case, *Ngirabatware*, it is now clear that the trial judgement will not be delivered before 30 June, so the appeal will certainly go to the Residual Mechanism.

Next, I turn to an important recent request that I have sent to the Security Council and the General Assembly seeking the extension of the terms of office for the trial judges on the *Ngirabatware* case and the President, to correspond with our remaining work. The terms of the judges on the *Ngirabatware* bench are required to be extended until December 2012, or until judgement is rendered, if earlier. My term is required to be extended until December 2014, in line with the projected completion of all judicial work. Those extensions are critical to ensuring that we meet our remaining goals for the completion of our mandate.

Next, I turn to staffing. In continuation of a recurring theme in recent reports, staff recruitment, retention and separation persist as ongoing challenges as we progress in the completion process. Where recruitment is required, the Tribunal has difficulty attracting suitably qualified candidates, given the limited contractual security that we as a closing institution can provide. The ICTR continues to experience difficulties in retaining experienced staff, who lack financial incentives to stay with the Tribunal to complete their work, have few possibilities for upward mobility and have reduced contractual security. They have therefore been leaving the Tribunal to accept offers of employment elsewhere, either within or outside the United Nations system. Although we continue to work within the resources available and to make significant progress, staff retention always has the potential to adversely impact the successful and timely completion of our work.

The downsizing process that began in 2008-2009 continues with the proposed abolition of 212 posts during the 2012-2013 biennium. That will mean an overall reduction of more than one third of the authorized 2010-2011 levels. A fair and transparent decision-making process concerning staff retention during the downsizing process puts additional strain on programme managers, who are thus required to perform retention exercises in addition to their regular workload. Moreover, their workload has already increased due to restructuring plans, which require all retained staff to perform an increasing range of functions.

We must express our gratitude to the Department of Management, especially the Office of the Controller and the Office of Human Resources Management, which continue to provide the Tribunal with support to explore and adopt additional measures and a common strategy to address the challenges of downsizing and separation of staff. That includes the implementation of the previously planned establishment of the outplacement office to assist Tribunal staff who have applied for various positions within the United Nations system.

I now turn to the issue of relocating persons who have been acquitted by the Tribunal. Both of my predecessors in Office have brought to the Council's attention the persistent problem of finding countries to receive acquitted persons. With the near completion of all trial activities, I see it as a cornerstone of my presidency to enhance my role in those efforts. In that regard, I will be increasingly applying my energies to persuading Member States to assist with relocation. I have already begun my work in that regard by lobbying for our acquitted persons. I continue to do so today by calling upon all members of the Council to do their part in helping to ensure that we uphold the fundamental right of freedom to live one's life after being acquitted by an international tribunal.

I will now provide the Council with an update on the role that the ICTR is playing in the preparations for the Arusha branch of the International Residual Mechanism for Criminal Tribunals. The Arusha branch of the Mechanism will open its doors in less than one month. From 1 July, many judicial and prosecutorial functions will begin to be officially handed over to the Mechanism, along with responsibilities for the Tribunal's archives, the protection of witnesses and numerous other functions currently handled by the Tribunal.

I am very pleased with the status of efforts to ensure a seamless transition. I would like to thank the President, the Registrar and the Prosecutor of the Residual Mechanism for their tireless work in that regard. It has been, and will continue to be, my honour and privilege to do everything in my power to assist them in that endeavour.

I would also like to express my deep gratitude to the ICTR Registrar for all that he and his staff have done to assist with making practical arrangements for the coordinated provision of administrative and other services to the Mechanism, in line with resolution 1966 (2010). Since January, the ICTR has been working on the provision of a fully functional office space for the Mechanism within the Tribunal's current premises. The Tribunal has also supported the Mechanism in staff recruitment and financial and budgetary matters and assisted the Mechanism in establishing its relations with the host country. The ICTR Registry continues to share information and know-how in the areas of witness support and protection and the enforcement of sentences, in order to facilitate the smooth transfer of those functions to the Mechanism.

Efforts to prepare the Tribunal's archives and records for transfer to the Mechanism are well under way, and coordinated efforts will increasingly continue in the coming months. Wherever possible, we have harmonized our draft retention schedules with those of the ICTY and we have finalized guidelines on the appraisal and disposal of records and the preparation of records for transfer to the archives.

The Tribunals have finalized their coordinated efforts and have submitted a draft Secretary-General's bulletin on information sensitivity, classification, handling and access of the records of the Tribunals and the Mechanism. We look forward to the finalization and release of that important document.

As the remaining days of the ICTR become fewer and the Residual Mechanism begins to take shape, we will continue to ensure that knowledge gained and lessons learned are put to good use, both for creating the institution charged with continuing the residual functions of the Tribunal and for sharing best practices for the closure of international legal institutions. Moreover, our efforts at capacity-building and education for the region will remain strong, so that the Tribunal's impact will not only be one of challenging impunity, but also of helping to improve the means for dispensing justice for an entire region.

The President (*spoke in Chinese*): I thank Judge Joensen for his briefing.

I now give the floor to Mr. Brammertz.

Mr. Brammertz: I would like to thank you, Mr. President, for this opportunity to address the Security Council on the progress towards the completion of our mandate.

A series of trials at the International Criminal Tribunal for the formar Yugoslavia (ICTY) is now approaching completion. By October, when the *Hadžić* trial will begin, only three cases will remain at the trial-evidence presentation stage. At the same time, we are working diligently to prepare for the intense appellate caseload anticipated. Five trial judgements, involving 14 defendants, are expected by the end of this year.

In this reporting period, further progress has been reached in two of our most significant cases, namely, *Mladić* and *Karadžić*. The *Mladić* trial commenced on 16 May with the Prosecution's opening statement. That long-awaited development took place less than one year from the date of Mladić's arrest. After Mladić's 16-year run from justice, the start of his trial was a significant day for the Tribunal and for the many victims of the alleged crimes.

In *Karadžić*, the Prosecution completed its evidence presentation in just under the allocated 300 hours. The Prosecution tendered more than 6,000 exhibits, reflecting the magnitude of a case spanning crimes committed during the 44-month siege of Sarajevo, the July 1995 atrocities in Srebrenica, crimes across 19 municipalities in Bosnia and Herzegovina and the taking of United Nations personnel hostage. Coordinating that volume of evidence, ensuring a seamless flow of witnesses and keeping to the strict deadlines imposed by the Trial Chamber was an onerous task. Hearings will be held in June for the Trial Chamber to determine whether Karadžić has a case to answer. If so, Karadžić will begin presenting his case in October, allowing him a fair time period to finalize preparations for his defence case.

As we approach the completion of our mandate, it is increasingly important to use our resources flexibly. We have overcome a period without regular budget funds for the *Mladić* and *Hadžić* cases, unprecedented demands on our document search and review capabilities for defence disclosure purposes, and high rates of staff departures at critical times. The attrition of staff that had been forecast has become a reality, and there is no mechanism in place for reversing the problem. We cannot expect our staff to remain without appropriate acknowledgement of their essential role in the Tribunal's work. Staff with knowledge of ICTY cases and relevant professional skills will be needed beyond 2014, through the completion of the last ICTY appeals before the Residual Mechanism. Strategies must be put in place to promote their continued availability.

The day-to-day cooperation provided by States of the former Yugoslavia to the Office of the Prosecutor fully meets expectations. With no more ICTY fugitives, we can now largely focus on routine requests concerning documents and witnesses in ongoing cases. Given our busy case schedule in the coming months, we will continue to rely on prompt and effective responses to our requests from Croatia, Serbia, and Bosnia and Herzegovina. We look forward to the continuation of our productive working relationships with regional counterparts in the next reporting period.

There are two exceptions to the generally satisfactory level of cooperation with States of the former Yugoslavia, which are impacting on Tribunal processes and on its legacy. First, we remain concerned by Serbia's lack of progress towards investigating and prosecuting individuals who assisted ICTY fugitives while at large. We raised that issue repeatedly over the past few years, but we see little evidence of action. We expect answers to our questions as to how fugitives like Karadžić and Mladić were able to evade justice for so many years, and whether State officials were involved in aiding them. During my visit to Belgrade on 22 May, the Serbian prosecutor for war crimes committed to conducting more in-depth investigations into the fugitive networks in the coming months. We await the results as a matter of priority.

The second problematic area in terms of cooperation with my Office is Bosnia and Herzegovina's slow progress in processing investigative materials transferred as part of our completion strategy. Nine of the 13 files transferred by my Office to the Office of the Prosecutor of Bosnia and Herzegovina are still pending, and we have not seen concrete evidence of progress since 2008. Bosnia and Herzegovina must take steps to resolve that situation.

The successful completion of the ICTY mandate depends upon a successful transition from our work to national war crimes prosecutions in the countries of the former Yugoslavia. We have adopted strategies for channelling our expertise in Balkans war crimes prosecutions to national authorities. We have integrated into our Office liaison prosecutors from Serbia, Croatia, and Bosnia and Herzegovina, who serve as an interface between international and national justice. We remain grateful to the European Union for its continued financial support for those programmes.

In 2011 alone, liaison prosecutors accessed more than 150,000 pages from our evidence collection for use in national proceedings. Regional requests for assistance are also growing in number. We expect that trend to continue beyond the closure of the ICTY. The Residual Mechanism will need strategies to facilitate those requests. We are working with our prosecution counterparts at the International Criminal Tribunal for Rwanda to put effective Residual Mechanism structures in place for responding to requests from national authorities.

Even so, we see serious problems in the implementation of national war crimes strategies, particularly in Bosnia and Herzegovina, where thousands of serious crimes still require follow-up. Unless it is made a top priority and more resources are allocated, the national war crimes strategy in Bosnia and Herzegovina will fail.

The successful implementation of national war crimes strategies also depends on greater regional cooperation, particularly between Serbia and Bosnia and Herzegovina. The proposed war crimes cooperation protocol between prosecution offices in those two countries has still not been signed, almost one year after the initial target date for signature. During my meetings in Sarajevo in May, I received no satisfactory explanation for the delay. Political support from all sides in Bosnia and Herzegovina is needed to resolve the problem.

Finally, I want to say that recent comments made by the newly elected President of Serbia, who denied that genocide occurred in Srebrenica in July 1995, are not acceptable. His statements contravene the legal and factual findings of the ICTY and the International Court of Justice. Such rhetoric is a backwards step, aggravates the victims' suffering and jeopardizes the fragile process of reconciliation in the former Yugoslavia.

The President (*spoke in Chinese*): I thank Prosecutor Brammertz for his briefing.

I now give the floor to Mr. Jallow.

Mr. Jallow: The implementation of the International Criminal Tribunal for Rwanda (ICTR) completion strategy has gained significant momentum in the past six months. The evidentiary phase of the cases of all the current detainees have been concluded, pending two judgements to be delivered in the course of this year.

My Office has also concluded the updating of the case files of all fugitives, in respect of both pleadings and evidence. We have also concluded the rule 71 bis evidence preservation proceedings in respect of two of the three cases concerned, that is, *Kabuga* and *Mpiranya*, and are now scheduled to conclude in respect of the third case — *Bizimana* — by the end of this month. That exercise will greatly facilitate any trial work that will be undertaken by the Residual Mechanism.

Litigation over the referral of cases has been a significant aspect of the work of my Office during the same period. We were successful in obtaining the referral of five cases of indictees — two of them detainees and the rest fugitives — to Rwanda for trial under rule 11 bis. The decisions on two of those cases or applications are now pending, and I am planning to file one more application — which would be the last one — shortly. I also hope that by the end of 2012 all the cases of the indictees that were earmarked for referral to national jurisdictions will have been transferred to Rwanda, leaving only the cases of the top three fugitives, that is, Kabuga, Mpiranya and Bizimana, to be taken up; those have been reserved for trial by the Residual Mechanism.

The success of the referral strategy to date has been largely due to the commitment on the part of the Government of Rwanda, with the support of the ICTR and the development partners, to undertake extensive law reform and capacity-building measures designed to ensure a fair and effective trial within the Rwandan legal system. I would like to commend the Government of Rwanda for its cooperation in that respect and the Governments of Canada, the United States and the European Union for their support in the implementation of those measures, whose purpose is to strengthen the Rwandan legal system.

The referral strategy has not only brought dividends to the Rwandan legal system; it has also made timely and proper completion of the ICTR mandate a probability. Equally important is the fact that the referral decisions of the ICTR have facilitated the deportation or extradition to Rwanda of suspected génocidaires from national jurisdictions where prosecution or extradition has hitherto been beset with technical difficulties. In that way, the gaps in the struggle against impunity have been closed.

The cases of *Bucyibaruta* and *Munyeshyaka*, referred by the ICTR to France for prosecution, continue to progress before the investigating judges in that jurisdiction. The prosecution and management of appeals have also been of paramount importance, as the workload of the Office of the Prosecutor for the biennium increased substantially. Following the delivery of judgement in one multi-accused trial and in one single-accused trial, namely, *Karemera et al.* and *Ndahimana*, respectively, my Office has been litigating 33 appeals from final judgements and the sentences returned in 12 cases. It has also been actively making advance preparations for six potential additional appeals. We anticipate that my Office will conclude its appellate workload, including any possible appeals from the two pending trial chamber judgements, well within the time frame of the completion strategy.

If the pending referral applications are also successful, the focus of my Office in respect of tracking will shift to the three top-level fugitives earmarked for trial by the Mechanism. However, we shall continue to provide support to Rwanda for the tracking and arrest of those fugitives whose cases have been referred to that jurisdiction. It should be recalled that all States have an obligation, pursuant to article 28 of the ICTR statute and the orders of the ICTR Referral and Appeals Chambers, to arrest such fugitives within their territories and transfer them to Rwanda or other jurisdictions as may be designated by the Chambers.

Tracking of the top three continues to be a challenge, with information at our disposal continuing to link Kabuga with Kenya, Mpiranya with Zimbabwe and Bizimana with various locations in the same sub-Saharan region. It is imperative, in the interests of peace and justice, that all States collaborate and support the ICTR in the arrest of those fugitives and that the international community, acting through the Security Council, bring its influence to bear on the States that are harbouring them. While those three cases are earmarked for trial by the Mechanism, it may become necessary, should the three continue to evade justice for a long time, to consider at some stage the option of referring their cases to the appropriate national jurisdiction for trial. Also, given that the fugitives are suspected to be in the East, Central and Southern African regions, my Office is actively encouraging regional inter-State institutions in the area to make the arrest of those fugitives a priority within their regional efforts to strengthen the maintenance of peace, security and justice.

In order to ensure a smooth and effective migration of our records and archives to the Mechanism, my Office is also currently working on the preparation and archiving of its holdings, both in Kigali and Arusha, and is consolidating the related archiving regimes and security frameworks. The servicing of foreign requests for assistance in investigations and trials has continued as an important function over the reporting period. In order to strengthen the efforts of Member States to bring to trial the Rwandan suspects appearing on the INTERPOL list, my Office has, during the reporting period, provided assistance to 10 Member States in respect of 44 such requests relating to the investigation or prosecution of genocide cases within the national jurisdictions. That assistance function will be taken over by the Office of the Prosecutor of the Residual Mechanism, Arusha Branch, from 1 July 2012.

With the appointment of all three principals of the Mechanism earlier this year, efforts to establish the Arusha Branch have moved quickly, thanks to the hard work of its Registrar and the cooperation of both the ICTY and the ICTR. Staff members at the respective offices, the Tribunals and their principals have devoted considerable time and energy to ensuring that the Mechanism takes off as planned and functions effectively from 1 July 2012. From that date, the Mechanism will, we are confident, commence operations, focusing on the tracking of fugitives, the provision of witness management and support, the servicing of foreign requests for assistance, preparations for possible trials and the establishment of the Mechanism archives. Recruitment of the core staff of the Branch is actively under way. I expect to have a number of staff of the Office of the Prosecutor of the Mechanism on board to commence the operations by 1 July.

Meanwhile, with the declining workload of the ICTR, we have intensified the separation of staff whose services are no longer required. Within my Office, that has resulted in a significant scaling down of staffing in both Kigali and Arusha. It is no doubt a challenging process, but one that is necessary given the impending closure of the ICTR. We remain indebted to the staff members, who have worked hard and over many years to make the commitment of the United Nations and the mandate of the ICTR to bring justice and peace to Rwanda a reality, not only for the people of Rwanda but for the rest of the world.

Finally, I would like to thank the Security Council and its members, as well as His Excellency Secretary-General Ban Ki-moon, for my appointment as Prosecutor of the International Residual Mechanism for a term of four years. I shall do my utmost to effectively implement the letter and the spirit of resolution 1966 (2010) and the statute of the International Residual Mechanism for Criminal Tribunals.

The President (*spoke in Chinese*): I thank Mr. Jallow for his briefing.

I shall now give the floor to members of the Security Council. I request that Council members limit their statements to no more than five minutes in order to enable the Council to carry out its work expeditiously.

Mr. Rosenthal (Guatemala) (*spoke in Spanish*): My delegation would like to thank the Presidents and Prosecutors of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) for their briefings with regard to the completion strategies of their respective Tribunals. Their extensive briefings today together with their reports (see S/2012/354 and S/2012/349) reflect the tireless efforts undertaken by both Tribunals to contribute to the global objective of fighting impunity for the crimes considered most heinous by the international community.

In particular, we would like to welcome Judge Meron and Prosecutor Jallow, who are here in their dual capacities, as they have spoken on behalf of both the International Criminal Tribunals where they have served and the International Residual Mechanism. We congratulate Judge Joensen on his election as President of the International Criminal Tribunal for Rwanda. We wish all of them every success in their work.

Nineteen years after the establishment of the International Tribunal for the Former Yugoslavia, the first international criminal tribunal since Nuremberg and Tokyo, and the first established by the United Nations, we are pleased that no indictee has escaped the Tribunal's justice. We also welcome the fact that this year will see the trials of the last remaining fugitives from the Tribunal, which is a success not only for the Tribunal but for international criminal justice in general.

With regard to the International Criminal Tribunal for Rwanda, we are pleased that the trials are being held on schedule. We are concerned, however, by the fact that nine people are still fugitives from justice. The Rwanda Tribunal can carry out its work successfully only if it receives effective cooperation from every State. We call on all States, especially those of the Great Lakes region, to step up their cooperation with the Tribunal and give it all necessary assistance in apprehending and handing over the remaining fugitives.

We acknowledge the considerable progress the Tribunals have made in fulfilling their mandates. We commend the fact that both Tribunals continue to take every possible step to complete their proceedings quickly while fully respecting and safeguarding due process. On the one hand, we congratulate them on their commitment to implementing their completion strategy in spite of their large workload. On the other hand, however, we are concerned about reports from both Tribunals on their difficulties in retaining staff, which is one of the chief obstacles to the timely implementation of the strategy. We note that some measures have been taken to deal with that, as indicated in paragraph 10 of annex I of the report of the Tribunal for the Former Yugoslavia (S/2012/354). We hope that such efforts will continue in order to reverse the negative trend that the Tribunals have suffered in the form of the large number of staff members who have left in search of more stable jobs, as well as to enable both Tribunals to fulfil their mandates on time.

It is an honour for Guatemala to chair the Informal Working Group on the International Tribunals. For our part, at this critical stage, we will continue to offer the Tribunals and the Residual Mechanism our full support. As the Tribunals' mandates draw to a close, the Residual Mechanism will have a fundamental role to play in ensuring that their legacy endures. We note the progress made with the Residual Mechanism, which the Council established under resolution 1966 (2010) and which will begin functioning on 1 July. We are pleased with the process under way for implementing the Residual Mechanism and welcome the fact that both Tribunals have been working together to ensure a gradual transition to the Mechanism.

Finally, we believe that the Tribunals have had an important role in strengthening the rule of law and promoting long-term reconciliation and stability, and not merely in the Balkans and Rwanda. Their jurisprudence has had far-reaching effects and has been a source of inspiration for national and international judicial bodies everywhere, and particularly in the establishment of the International Criminal Court. We hope that more steps can be taken to preserve their legacies and to help pass on the knowledge and experience they have gained to other jurisdictions.

Mr. Kumar (India): Let me at the outset congratulate Judge Meron on his assumption of the presidency of the Residual Mechanism, in addition to his continuing presidency of the International Criminal Tribunal for the Former Yugoslavia (ICTY). I would also like to congratulate Judge Joensen on assuming the presidency of the International Criminal Tribunal for Rwanda (ICTR). We have listened carefully to their presentations and assessments of the work of the Tribunals. We also appreciate the two Prosecutors' briefings.

India welcomes the progress made by the Tribunals in expediting their work. We are reassured by the opinion of Judges Meron and Joensen that the preparations for implementing the Residual Mechanism are on track, and we have noted that the Arusha Branch of the Residual Mechanism will begin its work on 1 July.

We are happy to see that the Council's recommendations, including those on hiring and retaining qualified interns, made during the previous reporting period (see S/PV.6678), have brought tangible results and helped the Tribunals progress faster towards implementing a completion strategy and launching the Residual Mechanism.

We appreciate the fact that Judge Meron has undertaken a variety of reforms to improve the functioning of various sections of the Tribunal. As a result, the trials of Mladić, Hadžić and Karadžić have gone forward many months ahead of their expected schedules. Similarly, appeals in some cases have been advanced significantly ahead of schedule. This is a very positive sign and we congratulate Judge Meron on a welcome development.

We are happy to note that the ICTR has completed work at the trial level on 83 of 93 accused, while nine remain at large. All the trials are on track and will be completed by the end of the year.

We commend the efforts of the Prosecutors to undertake outreach initiatives, including training aimed at strengthening the capacity of national systems to handle referred cases effectively, thereby preserving the Tribunals' legacy. We also note with satisfaction the progress made in implementing the Residual Mechanism. Any functional, operational or institutional issue that may arise in the implementation of the completion strategy or the Residual Mechanism should be addressed by the Council, in consultation with its Informal Working Group on International Tribunals.

It is critical that the Tribunals finish their work on time. We have listened very carefully to the concerns raised by the Presidents of the Tribunals about their ability to keep up with their work while adhering to the expected timelines until the close of business. The Judges have pointed out that trials and appeals continue to be affected by staffing shortages and the loss of highly efficient staff members. We share their concerns, especially on the need for retaining adequate and experienced staff. Careful consideration should be given to the Judges' suggestions on how to address those challenges. This is a practical issue that requires pragmatic and innovative solutions. We stand ready to work with other members of the Council to solve the problem.

The Judges have also raised the issue of relocation of those people who have been acquitted or have already served their sentences. Some of them have been living in safe houses in Arusha for the last five years. This is an important humanitarian issue and needs careful consideration.

We welcome the cooperation extended by all States concerned with the Tribunals, which is vital to ensure fulfilment of the Tribunals' mandates as well as their successful implementation of their completion strategy. We appreciate Serbia's sustained efforts in that regard and request other States to continue to extend effective cooperation, so that the remaining fugitives can be located soon and surrendered to the Tribunals so as to end impunity.

In conclusion, we believe that the two Tribunals have admirably implemented their mandates. We believe that the support of the Security Council is crucial at this critical juncture in the life of the Tribunals. At the same time, we urge both Tribunals to take all necessary measures to keep the trial and appeal schedules on track. That will pave the way for successful trials of the remaining accused and a smooth implementation of an efficient Residual Mechanism.

Mr. Berger (Germany): I would like to express Germany's full support for the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) and for their invaluable contribution to the fight against impunity for serious international crimes. We thank Presidents Theodor Meron and Vagn Joensen, as well as the ICTY and ICTR Prosecutors, Mr. Brammertz and Mr. Jallow, for their most recent assessments and for the efforts undertaken to ensure a smooth transition to the International Residual Mechanism, as foreseen by resolution 1966 (2010). I also congratulate Judge Meron and Mr. Jallow for their respective appointments as President and Prosecutor of the Residual Mechanism.

All 161 individuals indicted before the ICTY have been apprehended, and we very much welcome the anticipated conclusion of 32 of the remaining 35 trials in 2012. At the same time, we recognize the reasons that require the *Hadžić*, *Mladić* and *Karadžić* trials to continue beyond 2012, not least so that the accused can make fullest use of their rights to defend themselves.

Germany was extremely satisfied to see the commencement of the *Mladić* trial on 16 May 2012. Among the multiple counts of genocide, crimes against humanity and violations of the laws or customs of war of which both Mr. Karadžić and Mr. Mladić stand accused, the 1995 massacre in Srebrenica will stand out forever, both as a reminder of all the atrocities committed and as a warning for future generations. Let me say that I share the assessment made by the Prosecutor that the denial of that genocide is not acceptable. We are therefore grateful to the more than 300 witnesses in the case against Karadžić and to the 387 witnesses the prosecution intends to call in the *Mladić* case. Their testimonies, which often add further hardship to the losses and sufferings already endured, are indispensable in fighting impunity, both past and present.

Cooperation by States continues to be of crucial importance for the work of the Tribunals and for a successful transition from the Tribunals to national war crimes prosecutions. With regard to the ICTY, we note with appreciation the prompt and adequate responses from Serbia, Bosnia and Herzegovina and Croatia to the Tribunal's requests for assistance, and we call upon them to maintain that approach in the future. At the same time, we note with concern the Prosecutor's appraisal that Serbia's stated commitment to investigate the networks that allowed some indicted fugitives to evade justice for many years has produced very few results. We are similarly concerned about the delays encountered in the follow-up expected with regard to investigative material transferred by the Prosecutor to Bosnia and Herzegovina and by delays in war crimes prosecutions in Bosnia and Herzegovina. We would also like to call upon the relevant authorities, notably in Bosnia and Herzegovina, to overcome the remaining obstacles so that the proposed protocol on the exchange of evidence and information in war crimes between Bosnia and Herzegovina and Serbia can be signed.

Turning to the ICTR, we welcome the progress made towards completing all of the trial work foreseen in the completion strategy report of 2011. Another positive development is the first-ever transfer of an accused, Jean Bosco Uwinkindi, to the Republic of Rwanda for trial and the setting up of an adequate monitoring mechanism for such cases. We commend Rwanda for having strengthened its national legal system so as to allow the adjudication of cases transferred from the ICTR. Germany is confident that the newly launched video-link facility at the Rwandan Supreme Court in Kigali will contribute to the efficient and effective delivery of justice.

It remains a matter of concern, however, that nine accused and internationally sought persons still remain at large, including the three highest ranking ones. We understand that in a number of those cases referral decisions have either been taken or are expected to be taken. The apprehension of those fugitives, who have been charged with genocide or complicity in genocide, must nonetheless be a priority. Unfortunately, no progress has been made in that matter since we last discussed the issue in November. We therefore once again call upon the international community, and in particular concerned States in the region, to make sure that all possible efforts are made in order to bring those persons to justice.

As both the ICTY and ICTR are approaching the transition to the International Residual Mechanism, we note that preparations for a smooth handover are under way, and we recognize the challenges and practical difficulties encountered within the process. Some of those challenges are of a particular nature, such as the need to retain qualified staff to enable the Tribunals to fulfil their functions until the last day. We appreciate the measures taken to alleviate the situation, and we are willing to look into practical proposals and steps on how to address the issue.

We also look forward to the adoption of the Residual Mechanism's rules of procedure and evidence by the judges, including a provision that ensures confidentiality for information provided by the International Committee of the Red Cross. Germany also looks forward to extending its unwavering support for the ICTY and ICTR to the Residual Mechanism as well.

Mr. McKell (United Kingdom): I would like to begin by reiterating the United Kingdom's continued support for both the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR). Their work is essential in helping to tackle impunity and deliver justice to the countless victims of atrocities in the former Yugoslavia and Rwanda.

I would also like to express my thanks to President Meron and President Joensen, as well as to Prosecutor Brammertz and Prosecutor Jallow. The reports (see S/2012/349 and S/2012/354) and briefings we have received were, once again, of the highest standard. I congratulate President Meron and Prosecutor Jallow on their appointments to the Residual Mechanism. Their knowledge and expertise will be a tremendous asset as it enters a crucial phase of its mandate, and will help ensure a smooth and effective transition.

In respect of the ICTY, we note with appreciation that the Serbian authorities have fully met the Tribunal's expectations in terms of providing trial-related assistance. Such cooperation is essential. On the other hand, there is no information on the various support networks that allowed Mladić and Hadžić to evade capture for so long. Investigating those networks is important, and we agree with the report (see S/2012/354) that the Serbian authorities must intensify their efforts in that regard.

We welcome the positive trial assistance afforded by Croatia and Bosnia and Herzegovina. With regard to

Croatia, we are aware that the *Gotovina* appeal is under way and that a judgement is expected by the end of the year. We hope that all sides will respect the process and any verdict that is reached. The capture of Radovan Stanković in January by the authorities of Bosnia and Herzegovina was welcome news. We do, however, share the concern expressed in the report about delays in processing domestic war crimes cases in Bosnia and Herzegovina. We encourage the authorities to address those delays as a matter of urgency.

The start of the *Mladić* trial represents an important milestone for the Tribunal, leaving only one trial yet to begin, namely, that of *Hadžić*. The *Mladić* trial is a powerful reminder that the age of impunity is over and that those responsible for atrocities, like those that took place in Houla in Syria, will be held accountable.

It is disappointing that judgement in the *Karadžić* trial is now expected to be delivered five months later than anticipated. While we understand the reasons for the delay, we urge the Tribunal to do what it can to prevent any further delays. The effective and timely completion of trials will be increasingly important over the coming months as the transition to the Residual Mechanism nears.

We recognize that staff retention continues to be an issue for both Tribunals. We are mindful of the additional pressures that staff shortages can place on existing members of staff. We very much welcome the measures that have been undertaken to address the issue, and we encourage the Tribunals to continue to prioritize their resources as effectively as possible.

Moving on to the ICTR, we remain concerned that nine fugitives are still at large. Apprehending those fugitives is a priority, as justice cannot fully be done until they are apprehended. We encourage all States Members of the United Nations, especially Kenya and Zimbabwe, to provide the ICTR with their full cooperation in order to bring those fugitives to justice.

While it is unfortunate that the *Ngirabatware* trial will not be completed before the commencement of the Residual Mechanism, we are pleased to see that it is on course to be completed soon, with the judgement to be delivered by the end of the year. We recognize that the ICTR has been working closely with the ICTY to ensure a smooth transfer of activities to the Residual Mechanism. That is essential, and we encourage both Tribunals to continue that close cooperation in the coming months.

Mr. Tladi (South Africa): Allow me to congratulate Mr. Hassan Boubacar Jallow, President Theodor Meron and Mr. John Hocking on their respective appointments as Prosecutor, President and Registrar of the Residual Mechanism. I also wish to thank Judge Vagn Joensen and Mr. Jallow, President and Prosecutor, respectively, of the International Criminal Tribunal for Rwanda (ICTR), and Judge Meron and Mr. Serge Brammertz, President and Prosecutor, respectively, of the International Criminal Tribunal for the former Yugoslavia (ICTY), for their reports and presentations this morning.

As we approach the entry into force of the statute of the Residual Mechanism on 1 July, it is important that both the ICTY and the ICTR strengthen their efforts towards finalizing their caseloads and ensuring compliance with the completion strategy, as provided for in the relevant resolutions of the Security Council. As has been noted, it is important, however, to ensure that the need to complete the cases speedily does not compromise due process standards.

In that respect, I wish to express my delegation's appreciation of the efforts made by both Tribunals, amid immense challenges, to complete the cases on their current dockets, while ensuring the maintenance of due process standards. We have already observed how the ICTY experience in referring cases to national jurisdictions has contributed to alleviating some of the caseload pressures. We firmly believe that referral to domestic jurisdictions not only helps with easing the caseload of the international Tribunals, and, in that way, contributes to compliance with the completion strategy, but also is important for building the capacity of national jurisdictions in dealing with such crimes. It is also important for ensuring that, where possible, justice is done close to the victims of the crimes.

In our last statement (see S/PV.6678), we encouraged the ICTR to consider making more referrals to domestic courts with jurisdiction in the cases relevant to Rwanda, in particular. We are pleased that several referrals have already been made and that there are currently applications pending for further referrals. We were also pleased to hear this morning that referral has become the focus of the ICTR. We continue to encourage the ICTR to consider whether even more referrals could be made.

While we continue to strongly support referrals to domestic courts with the necessary jurisdiction, the Tribunals should continue to monitor the handling of such cases in order to ensure the proper administration of justice, including adherence to human rights and due process standards. We note with concern the challenges cited by the Prosecutor of the ICTY in connection with the functioning of the judiciary of Bosnia and Herzegovina. It is imperative that all involved join efforts to ensure the success of the referral system. The success of referrals to domestic courts will ensure the lasting legacy of both the ICTY and the ICTR.

A serious challenge facing the ICTR is, of course, the apprehension of the remaining fugitives, as has been noted several times this morning. We call on relevant States Members of the United Nations to cooperate as far as possible with the ICTR in the apprehension of fugitives, as required by the relevant resolutions of the Security Council, as well as the Statute of the ICTR.

Both Tribunals are facing difficulties with respect to staff retention. As they wind down their operations, it becomes more difficult to retain staff. We, as a delegation, stand ready to consider, within the financial constraints of the Organization, of course, innovative solutions that may be suggested by the ICTY and the ICTR to deal with that challenge.

Mr. Ahmad (Pakistan): I would like to join other members of the Council in thanking our briefers this morning, Judge Meron, President of the International Tribunal for the Former Yugoslavia (ICTY), Judge Joensen, President of the International Criminal Tribunal for Rwanda (ICTR), and the two Prosecutors, Mr. Brammertz and Mr. Jallow, for their comprehensive statements. Let me at the outset reiterate Pakistan's complete support for the important work of the two Tribunals.

We note the progress in the completion strategies of the ICTR and the ICTY during the period covered by the latest reports (see S/2012/354 and S/2012/349). We note that, during the past six months, the Tribunals have continued to engage in trial and appeals proceedings, in drafting judgements and in referring cases to domestic jurisdictions. We appreciate that, during the reporting period, the Tribunals continued to contribute to procedural and evidentiary international criminal law in a professional manner.

We also note the efforts made by the Tribunals with regard to their work to ensure that the International Residual Mechanism for Criminal Tribunals can commence its activities on 1 July. We appreciate the role of the Tribunals in the preparation of a joint budget and the work on the rules of procedure of the Residual Mechanism.

We recognize the difficulties in the assignment of work to judges, in staff management and in the process of winding down the work of the two Tribunals. The recruitment of employees and the retention of staff with an institutional memory of cases continue to pose major challenges to the work of the Tribunals in the completion process. We support the idea of providing sufficient resources to the Tribunals in order to make it possible for them to complete their work in a timely manner. As the lack of experienced staff could cause additional delays in the completion of the Tribunals' work, it would be logical to consider innovative strategies, such as retention incentives, as appropriate, on a case-by-case basis.

While there are no outstanding fugitives under the jurisdiction of the ICTY following the arrest of Mladić and Hadzić in 2011, it is a matter of concern that there are nine persons indicted by the ICTR who still remain at large. We hope that, with the cooperation and efforts of relevant Member States, the ICTR will be able to arrest and hold accountable the remaining fugitives. Their arrest would go a long way towards meeting the completion strategy targets and to reducing the burden of the Residual Mechanism.

The cooperation of Member States would also be helpful in the referral of cases to national jurisdictions and in the transfer of individuals who have been either convicted or acquitted, or who have served their sentences, to relevant countries where their family members are located. We note that the ICTR President and Registrar have been making efforts to find host States for some acquitted persons who are under the Tribunal's protection. The issue of the relocation of acquitted persons in particular has assumed urgency in view of the imminent closure of the Tribunal. We call upon all States that are in a position to do so to show political will and to consider positively the Tribunals' request for more support and cooperation.

In conclusion, I would like to note that, in our view, it is essential to preserve the legacy of the Tribunals on account of their contribution to the fields of international humanitarian law and legal doctrine. The decisions of the Tribunals have led to the jurisprudence that will influence the fight against impunity and the future of global justice. In that context, we note with appreciation that the ICTR Legal Library has compiled a special bibliography containing all relevant literature on the work of the Tribunal. The conference on the global legacy of the ICTY in November 2011, which was convened to study the impact of the Tribunal's work on international criminal procedure and international humanitarian law, was also a step in the right direction.

Mr. Madureira (Portugal): I thank the Presidents and Prosecutors of the Tribunals for their very useful and comprehensive briefings here today. Allow me also a special word to congratulate Judge Joensen for his recent election as President of the International Criminal Tribunal for Rwanda (ICTR). I also wish to extend our congratulations, through the President of the International Residual Mechanism for Criminal Tribunals, Judge Meron, to the elected judges of the Residual Mechanism who were recently sworn in.

We wish to commend, first of all, the Presidents of the Tribunals and the Prosecutors for their efforts in keeping the judicial work on track, in line with the estimates of the completion strategy. Our appreciation goes also to the judges and staff of the Tribunals for their hard work to conclude the judicial activity of the Tribunals within the time frame established by the Council in resolution 1966 (2010).

The reports (see S/2012/354 and S/2012/349) of the Tribunals and the briefings today in that regard reflect the concrete progress made so far. They highlight the fact that practical measures — such as using ad litem judges for the trial of contempt cases, which was recently put in practice — can produce considerable results in terms of speeding up the judicial activity concerning the principal cases. We therefore encourage the Presidents of the Tribunals to continue to actively identify possible ways of further promoting the better use of resources with a view to improving the management of the time devoted to particular cases, while naturally keeping fully with the required principles of justice.

We understand that, as we approach the time when the Tribunals will close their doors, such management becomes more difficult. Indeed, both Tribunals continue to share a grave concern owing to staff attrition and recruitment difficulties. Creative, realistic and cost-effective solutions to that issue need to be found and implemented as a matter of urgency. We note some positive developments in that regard — for instance, the waiver of the six-month rule for applications for professional posts, which has facilitated the contracting of new personnel. The particular nature of the Tribunals, which struggle to abide by trial deadlines while maintaining the process of winding down all court activity, requires a distinct and more flexible interpretation of the United Nations general administrative norms. We therefore encourage flexibility on the part of the Secretariat, as well as creativity on the part of the Tribunals.

In short, Mr. President, we wish to recognize the Tribunals for their hard work in performing their invaluable role in ensuring accountability for the worst crimes, in the most professional way and under difficult circumstances. Both Tribunals have also made valuable contributions to the establishment of the Residual Mechanism, which we would like to recognize. They have contributed to the ongoing drafting process of the Mechanism's rules of procedure and evidence, the preparation of its budget, which was recently adopted, and other necessary activities. I wish to commend the Tribunals and the Office of Legal Affairs for their contribution to the rather complex process that will enable the Residual Mechanism to start performing its functions fully from day one, that is, from 1 July.

At this stage we would like to highlight three aspects that continue to be of concern to us. First, we can never overstate the importance of cooperation with the Tribunals. While we welcome the fact that there are no outstanding fugitives on the list of the International Criminal Tribunal for the Former Yugoslavia (ICTY), as well as the generally satisfactory assessment of cooperation reported by the ICTY Prosecutor in his report (S/2012/354, annex I), despite some concerns, we wish to turn to the ICTR and highlight the need to locate and arrest the remaining fugitives being sought by the Tribunal. In that respect, we urge the continuation of efforts on the part of the States concerned to facilitate the arrest and transfer of those fugitives to that Tribunal and to allow justice to be fulfilled.

Secondly, as mentioned before, as we approach the end of the Tribunals' work, bearing in mind the projected number of convictions, we have to be prepared for the increasing number of requests addressed by the Tribunals to States to host convicted persons to serve their sentences and the need to find appropriate and prompt responses to such requests.

Finally, we need to encourage definitive solutions to address the singular situation of acquitted persons — referred to again by the President of ICTR. They remain still today under protective measures in safe houses in Arusha because they can neither safely return to their communities nor find host countries willing or able to accept them. That is an unsustainable situation with human rights implications, and a prompt solution must be found to it.

In conclusion, Portugal wishes to congratulate the Presidents, Prosecutors and staff of the two Tribunals for their work. They have laid the groundwork for the future. They have helped to set up the Residual Mechanism and are assisting the countries of the respective regions, their judicial authorities and their civil societies to take over the vital task of fighting impunity for the gravest of crimes.

Mrs. Le Fraper du Hellen (France) (*spoke in French*): I would of course like to thank the Presidents and the Prosecutors of the International Residual Mechanism for Criminal Tribunals and the Tribunals for their reports (see S/2012/354 and S/2012/349).

With respect to the International Criminal Tribunal for Rwanda (ICTR), the President and the Prosecutor have described the considerable efforts that were made in recent months by the entire staff of the Tribunal to complete the trials under way. We thank them for that. We would specifically like to highlight two key points, namely, the preservation of evidence and the referral of cases to national courts. With regard to the preservation of evidence under rule 71 bis of the rules of procedure, we are extremely pleased to see that this will help to support the proceedings against the three fugitives — Félicien Kabuga, Augustin Bizimana and Protais Mpiranya — in the event that they are arrested one day.

With regard to the referral of cases to national jurisdictions, we believe that this is in fact an important element in the current transition. We thank the President and the Prosecutor of the Tribunal for having come to France in order to take stock, under French jurisdiction, of the cases of *Bucyibaruta* and *Munyeshyaka*. French authorities would like to assure the Tribunal that they are giving those two cases the full attention they require.

There are two concerns that remain, particularly in terms of cooperation. The Prosecutor just spoke of the issue of arresting fugitives. We note that he has reiterated a desire for increased cooperation from Kenya and Zimbabwe, respectively, in the cases of arresting Félicien Kabuga and Protais Mpiranya. Cooperation from all parties with the ICTR is obviously a requirement under Council resolutions. It would perhaps be important that the Council remind the various parties of that obligation.

The second key point with regard to assistance to the Tribunals is that of relocating persons acquitted by the Tribunals or those who have served their sentences after having been convicted. France is hosting several individuals at the request of the Tribunals, and we encourage — as the Tribunals and certain delegations here present have done — other States to consider hosting on their territory the persons concerned.

Lastly, on the issue of the ICTR, I wish to underscore that France will, of course, support the extension of the mandates of the judges and the President that has been submitted to us by Mr. Vagn Joensen.

France is fully aware of the challenges facing the Tribunals at this time. For example, we are asking the ICTY not only to move forward towards the Residual Mechanism but also to deal with very important cases such as *Mladić* and *Karadžić*. We wish to underscore that nothing should be done that could undermine the capacity of the ICTY to ensure that justice is done in such serious cases.

In terms of cooperation with the ICTY in particular, questions remain, now that we have heard Mr. Brammertz's report, as to the reasons for the very long period of time that elapsed prior to the arrests of Mr. Karadžić and Mr. Mladić. In addition, in general terms the low level of cooperation among the States of the region with respect to the prosecution of mid-level criminals is of concern. The members of the European Union believe that cooperation with the ICTY and regional cooperation continue to be important.

Lastly, I would also like to echo fully the comments made by Prosecutor Brammertz and recall here that the ICTY has held that the Srebrenica massacre was an instance of genocide, and that this decision of international criminal justice, as well as the duty of respect for the victims, is binding on us all.

In conclusion, I should like to thank Guatemala, in its capacity as Chair of the Informal Working Group on International Tribunals, the representatives of the Tribunals and the Office of Legal Affairs of the Secretariat for the efforts made to meet the transition timetable set out in resolution 1966 (2010) and ensure the smooth functioning of the Residual Mechanism.

Mr. Bouchaara (Morocco) (*spoke in French*): Allow me at the outset to thank the Presidents and Prosecutors of the International Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for

Rwanda (ICTR) for their thorough briefings. We were pleased to take note of the efforts undertaken and the progress made by both Tribunals with regard to the implementation of their respective completion strategies, which are aimed at finalizing their work and preparing for a smooth and harmonious transition towards the International Residual Mechanism, which is to take over the residual functions of the criminal Tribunals.

We were also very pleased to learn that despite the challenges encountered, the Mechanism will begin operations on the date set out in resolution 1966 (2010). That will allow us to resolutely continue consideration of the conditions necessary to enable it to effectively carry out its mandate.

We welcome the measures adopted by both Tribunals, which, while ensuring due process, have made it possible to streamline procedures and introduce reforms aimed at accelerating the pace of their work. The Kingdom of Morocco also welcomes the fact that those measures have enabled the ICTY to begin certain trials earlier than had been anticipated and to limit the impact of challenges related to translation and lack of staffing on the trial schedule.

As concerns the ICTR, the efforts undertaken have led to the announcement of the completion of trial proceedings prior to the end of 2012 and to encouraging predictions indicating that all of the rulings will be handed down during 2014. That should induce us to maintain the same level of mobilization in order to explore together ways and means of dealing with the various difficulties related to the retention of skilled personnel.

We hope that the relevant United Nations bodies will give favourable consideration to additional measures aimed at overcoming the difficulties related to the downsizing process and at the completion of the deliberations of both courts. The ongoing dialogue between the two Tribunals, the Office of Legal Affairs and the Council's Informal Working Group on International Tribunals, which is chaired with skill and competence by Guatemala, will, of course, remain the best response to the potential practical or institutional difficulties relating to the upcoming launch of the Residual Mechanism.

In that context, we deem it necessary to underscore the importance of cooperation on the part of Member States and regional and subregional organizations with both Tribunals, in accordance with their respective statutes and, subsequently, with the Residual Mechanism. Such cooperation should involve not only greater efforts to arrest those fugitives still sought by the ICTR but also an acceleration in communications and requests for judiciary assistance from both Tribunals, as well as support for efforts to relocate persons who have been acquitted or served their sentences.

The referral of cases to national courts has considerably facilitated the completion of the work of both Tribunals and a smooth transition towards the Residual Mechanism. The transfer to national jurisdictions of cases involving intermediate or lower-rank accused by the ICTY and the transfer of five cases by the ICTR to Rwandan courts will contribute to the consolidation of the principle of complementarity and to the strengthening of the national judicial institutions of the relevant countries.

The activities undertaken to raise the awareness of younger generations with respect to the lessons to be learned from the crimes prosecuted by both Tribunals should continue. The contribution of the International Criminal Tribunals to international criminal justice must be recognized and preserved. The protection of the legacy of the Tribunals has both a legal and a moral value. In that context, it is important to continue to ensure the accessibility of information relative to both Tribunals, their mandates and their contributions to fighting impunity and to strengthening the international judicial system.

Mr. Quintana (Colombia) (*spoke in Spanish*): We would like to thank the Presidents and Prosecutors of the International Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) for their briefings, and we congratulate them on the efforts that both Tribunals have made to implement the completion strategies adopted by the Council and ensure an expeditious transition to the Residual Mechanism. Our thanks also go to the delegation of Guatemala, whose work in chairing the Informal Working Group on International Tribunals has considerably facilitated the progress that has been made in this area.

My delegation is convinced that both Tribunals have provided an invaluable service to the cause of international justice and the maintenance of international peace and security. We believe that in the past few months in particular both bodies have worked diligently to implement Council decisions relating to the completion of their mandates. Of particular importance is the compendium of administrative measures adopted with a view to reducing the length of trials, which has meant that several of them have been able to either begin or conclude earlier than planned. We are therefore very close to meeting our common objective of concluding all Trial Chamber cases before the Tribunals before the end of this year and to deal with all possible appeals by the end of 2014.

In practical terms, we note that the Fifth Committee has approved the budget for the first biennium of the Residual Mechanism and that modest progress has been made with regard to ensuring the retention of Tribunal staff. In particular, we commend the Secretary-General for his willingness to facilitate the hiring of trainees or interns, who now have valuable experience in the workings of both Tribunals that otherwise could have been lost.

The Office of Legal Affairs also deserves commendation here, since it is the determination of their officials that has made it possible to have near-complete versions of the various legal instruments required for the functioning of the Residual Mechanism. That is the case with respect to the Rules of Procedure and Evidence, the Secretary-General's bulletin on the archives of the Tribunals and the Mechanism, and the headquarters agreements for the host countries of the two branches of the Mechanism, in Arusha and The Hague.

There are two aspects related to the Tribunal for Rwanda that my delegation believes we should consider. First, we are concerned by the situation of people who have been exonerated by the Tribunal and who are supposed to be relocated, because it has not been easy to find countries willing to welcome them on their territory. The President of the Tribunal has said that that is a persistent problem that he is going to make vigorous efforts to resolve. We believe that the Security Council could support President Joensen with respect to that matter by sending a clear signal that the fate of those individuals is a concern for all of us.

Secondly, in contrast with the Tribunal for the Former Yugoslavia, some of those accused by the Tribunal for Rwanda have yet to be captured even though there is relatively exact information on their whereabouts. We believe that, consistent with their clear intention to close that chapter in the history of hatred and violence in that region of Africa, the Council should reiterate its call for all States to cooperate effectively with the Tribunal and, in particular, for those States responsible for ensuring the arrest of the fugitives and for handing them over to the Tribunal to fulfil their obligations under the resolutions according to which that body was established.

The International Criminal Tribunals for the Former Yugoslavia and Rwanda constitute the primary vehicle through which the Security Council has channelled the will of the international community to end impunity for atrocious crimes of international magnitude. We are pleased to observe that the various bodies of the United Nations are taking the necessary steps to guarantee the efficient and orderly conclusion of the mandates of the Tribunals and to ensure the appropriate functioning of the Residual Mechanism established by the Council. We will spare no effort to continue working towards that end.

Mr. DeLaurentis (United States of America): I would like to thank Tribunal Presidents Meron and Joensen, as well as Prosecutors Brammertz and Jallow, for their briefings today and their continued service. I congratulate President Joensen on his recent election as President of the International Criminal Tribunal for Rwanda (ICTR). We wish him success in his new role.

The United States commends the Tribunal Presidents, Prosecutors and Registrars for their dedication and extensive preparations in setting up the Residual Mechanism. We welcome the overall downsizing by both the ICTR and the International Criminal Tribunal for the Former Yugoslavia (ICTY) as trials end and as remaining functions are gradually transferred to the Residual Mechanism. We also appreciate efforts by the ICTY, the ICTR and the Residual Mechanism to share resources and to enact cost-saving managerial and administrative measures. Those include double-hatting staff members, sharing common administrative support services, embedding translators into legal support teams and using video-teleconferencing technology. We are aware of the challenges posed by high staff attrition, and are grateful to the judges and staff members who are performing multiple functions across multiple trials.

The Council must be flexible to ensure that both Tribunals are able to administer justice expeditiously yet fairly. When the Council adopted resolution 1966 (2010) and set 31 December 2014 as the requested date for the completion of all remaining work by the Tribunals, we did not have the benefit of knowing when indicted individuals would be arrested. Today, we are pleased that all ICTY fugitives have been apprehended, including the re-apprehension, in January, of convicted war criminal Radovan Stanković. We recognize, however, that trial and appeal schedules will be difficult to accurately predict and that flexibility in assigning cases is important in that regard.

Turning to the ICTY, we welcome the reported cooperation of Serbia, Croatia and Bosnia and Herzegovina in providing access to documents, archives and witnesses in response to requests for assistance from the Office of the Prosecutor. We look forward to Serbia concluding and acting upon investigations into who was involved in, and responsible for, sheltering Ratko Mladić, Radovan Karadzić and other notorious ICTY fugitives in Serbia over the course of so many years. Such cooperation is essential to completing ongoing trials and appeals. As the nations of the Balkans make further progress towards European Union accession and Euro-Atlantic integration, their record of cooperation with the ICTY and with each other, as well as their progress on domestic justice and accountability initiatives, will be critical.

At the same time, the United States deplores the statement made this week denying genocide in Srebrenica. Genocide in Srebrenica is not a subjective determination; it is a defined criminal act that the ICTY has confirmed in final and binding verdicts in multiple cases. It cannot be denied.

Turning to the ICTR, there are unfortunately still nine ICTR fugitives at large. We call on all States Members of the United Nations, particularly those in the Great Lakes region, to help apprehend them. The apprehension of the remaining ICTY fugitives demonstrates the international community's commitment to ending impunity for those who commit mass atrocities. Those who harbour fugitives obstruct the administration of justice, put themselves in danger and only delay the inevitable.

We take note of the recent transfers of cases from the ICTR to Rwanda and we welcome Rwanda's willingness to fairly adjudicate transferred cases. That is a positive development, since international tribunals such as the ICTR cannot last forever. Strengthening national legal and justice sectors will help to promote the long-term rule of law and stability in the region.

We applaud the ICTR's efforts to create a robust monitoring mechanism in cooperation with regional organizations to ensure the fairness of trials at the national level. Case transfers to competent national jurisdictions will help fulfil the ICTR's completion strategy. We welcome the news that the ICTR is close to completing all trial work as projected in the November 2011 completion strategy. Indeed, the ICTR's vastly reduced judicial workload reflects the court's strong leadership and the dedication of its staff.

As the ICTY and ICTR draw to an end and prepare to transition remaining functions to the Residual Mechanism, they represent a strong legacy in the international fight against impunity for those who commit atrocities. The defendants convicted in tribunal proceedings to date have been tried and found guilty of some the most heinous crimes known to humankind, including genocide, murder and rape, as crimes against humanity. Thanks to the hard work of the Tribunals, the world knows about those crimes, and perpetrators are being held accountable for their actions. In addition, there are now archives and public records that will be accessible for generations to come, bringing to light stories that would otherwise be lost or hidden in the shadows. That information is critical to combating the concerted efforts of those who seek to promote an alternative historical narrative at variance with judicially established fact. In addition to combating impunity, the Tribunals' contributions in the areas of local capacity-building and education will help foster long-term peace and reconciliation.

As President Obama has said, "Preventing mass atrocities and genocide is a core national security interest and a core moral responsibility of the United States of America." We are committed to working with the international community to do so. We can and we must improve our individual and collective efforts to protect populations from atrocities, including with measures to enhance early warning, prevention, response and accountability. We will continue to focus on concrete outcomes that make a difference on the ground and to help United Nations actors use planning and diplomacy to prevent atrocities, not just to respond to them.

Mr. Afande (Togo) (*spoke in French*): The Togolese delegation would like first of all to join other delegations in thanking Judge Meron, President of the International Criminal Tribunal for the Former Yugoslavia (ICTY), and Judge Joensen, President of the International Criminal Tribunal for Rwanda (ICTR), as well as Prosecutors Serge Brammertz and Hassan Bubacar Jallow, for their briefings on the work of the two Tribunals. We also congratulate Judge Meron on his appointment as President of the soon to be operational

Residual Mechanism, as well as Prosecutor Jallow, who will become Prosecutor of the Mechanism.

We welcome all four briefings from the principals of the two Tribunals, detailing the Tribunals' programmes and plans as they work towards the completion of their mandates, pursuing the fight against impunity for perpetrators of crimes as defined in the statute of the International Criminal Tribunal for the Former Yugoslavia and the statute of the International Criminal Tribunal for Rwanda. We commend the Tribunals for concretizing their mandate completion strategies in many spheres, including investigation, trials at first instance and in appeal, the transfer of cases to national jurisdictions, witness protection, the preservation and dissemination of archives and managing the Tribunals' legacies. Their briefings have informed us about past and future measures in meeting the administrative and judicial challenges of realizing their completion strategies.

We applaud the progress made ahead of schedule by the ICTY on many cases on its judicial calendar, as well as the fact that the ICTR has completed nearly all of its cases at first instance. One of the Tribunals' main challenges lies in the issue of cooperation by States, without which they cannot perform their functions. I need not remind members of the importance of such cooperation in many arenas, including the arrest and transfer of defendants and the relocation of those acquitted or who have served their sentences. Togo calls on all States involved to redouble their efforts in those areas, so as to achieve the completion of the Tribunals' mandates and ensure a solid start for the Residual Mechanism, which is to begin operations in Arusha on 1 July.

The Tribunals have had mixed success in transferring defendants to national courts and jurisdictions. Togo commends the ICTR for its recent progress in transferring cases to Rwanda and for its initiative in establishing a robust system for the oversight of cases transferred to national courts so as to guarantee that defendants receive fair trials.

Togo also commends the Tribunals for working steadily towards completing their mandates, despite the difficulty they face in retaining personnel. Togo is prepared to work with other members of the Council, as well as other relevant United Nations bodies, to find flexible and comprehensive options for dealing with that problem — a problem that, if allowed to go on unsolved, could compromise the Tribunals' ability to complete their mandates on schedule. We believe that the collective experience of the Tribunals' principals here today, in their respective roles, will be crucial to ensuring a successful transition to the Residual Mechanism, as well as the success of the Mechanism itself.

We strongly support President Joensen's untiring commitment to the relocation of those who have served their sentences or have been found innocent, because, beyond the logistics of relocating them, there are also human rights issues at stake. We believe that, if prisoners who have served out their terms and defendants who have been acquitted continue to be subject to strict surveillance, then they are not enjoying basic, fundamental human rights. We urge the Council to reiterate its call on States to assist in the relocation of former defendants.

Clearly, the Tribunals' four principals here with us today correctly gauge the weight of responsibility they bear, which involves not only steering the transition to the Mechanism but also, as they and we both know with certainty, to press forward the fight against impunity, even after the Tribunals have shut down, and to consolidate the lessons learned and the advances in jurisprudence acquired in the course of the Tribunals' work.

Mr. Karev (Russian Federation) (*spoke in Russian*): We would like to thank the Presidents and the Prosecutors of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) for their reports (see S/2012/354 and S/2012/349) and their briefings. Today's briefings were of special importance, taking place as they are in the month before the opening of the Rwandan branch of the Residual Mechanism. That Mechanism is the first of its kind in the history of international criminal justice, and it will require of both management and staff the utmost focus and accountability. In our view, the Mechanism has been established within parameters that will enable it to carry out substantive work, including conducting trials and appeals, and it has the requisite funding. Moreover, the resources formerly devoted to the Tribunals can be used to add to its financing, if its caseload requires. We anticipate that the first appeals will be referred to the Residual Mechanism in the near future. That will free the Tribunals to focus on their remaining cases within the timeframe set out in resolution 1966 (2010).

Nevertheless, it is unclear whether resolution 1966 (2010) can be implemented. We are concerned by the delays that have been predicted in proceedings by the ICTY. We note the useful measures it has adopted to accelerate its proceedings, thanks to which the cases of *Hadžić* and *Mladić* are ready for trial ahead of schedule. However, those measures have still not dramatically improved the situation. Additional substantive measures are necessary.

The situation in the ICTR is less troubling, although we no longer hear promises of completing its activities any earlier than scheduled. Our view is that, even if appeals in the cases of *Nzabonimana* and *Nizeyimana* are taken up by the ICTR, nothing will prevent the Tribunal from meeting the schedule established in resolution 1966 (2010). Similarly, nothing prevents the taking of a final decision on the transfer of the *Munyagishari* case to the national jurisdiction of Rwanda, especially given the recent transfer to Rwanda of a similar case concerning indictee Uwinkindi.

With regard to cooperation on the part of States in the relevant regions with the Tribunals, we note that in the past several years, thanks to the efforts of national authorities, the Tribunals have advanced considerably in the prosecutions of individuals who have fled from justice. Serbia demonstrated a high level of cooperation in that regard when it transferred the last two fugitives to the ICTY.

With respect to that case, Russia is surprised by the ongoing attempts by the ICTY Prosecutor to pressure Serbian authorities with regard to a matter initiated by them, namely, to investigate the causes underlying the ability of several indictees to hide for so long in Serbia. We firmly recommend that the ICTY Prosecutor focus on the issues that bear directly upon the purview of the Tribunal. It is quite clear that Serbia is conducting a national inquiry that will in no way impact the ICTY trial nor the successful implementation of resolution 1966 (2010).

Mr. Mehdiyev (Azerbaijan): At the outset, I wish to thank the Presidents and the Prosecutors of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR), for their comprehensive briefings. We welcome the efforts of both Tribunals to ensure due and full implementation of their mandates.

Significant progress has been registered in the implementation of the completion strategies of the ICTY and the ICTR during the reporting period. We note with concern that, as in the previous reporting periods, the difficulties in retaining qualified and experienced staff remain an obstacle to the pace of the Tribunals' work. In the past six months the Tribunals have continued, under difficult circumstances, to work professionally towards establishing accountability for the worst crimes. They have also made valuable contributions to the establishment of the International Residual Mechanism for Criminal Tribunals.

We welcome the important measures implemented by the Tribunals to ensure a smooth handover of judicial functions to the International Residual Mechanism for Criminal Tribunals. We take note of the referrals by the Tribunals of some cases to national jurisdictions. That approach serves not only to reduce the overall workload of the Tribunals, but also to strengthen the capacity of national judicial systems and the enforcement of the rule of law at the national level.

The cooperation of States with the Tribunals is a crucial pillar for the latter's effective work and constitutes an essential component of regional ownership. It is therefore important that States remain committed to living up to their obligations to the Tribunals.

We are pleased to note that all fugitives accused by the ICTY have been arrested and transferred to the Tribunal. However, since nine fugitives indicted by the ICTR still remain at large, the continued extensive cooperation of the relevant States is needed.

In conclusion, we wish to commend the Presidents, the Prosecutors and the staff of the two Tribunals for their work and for the steady implementation of their mandates. The continued support of the Security Council is needed, as the Tribunals are in the process of undertaking the necessary steps to keep the trials on track.

The President (*spoke in Chinese*): I shall now make a statement in my capacity as the representative of China.

First of all, I thank Judge Meron, President of the International Criminal Tribunal for the Former Yugoslavia (ICTY); Mr. Brammertz, Prosecutor of the ICTY; Judge Joensen, President of the International Criminal Tribunal for Rwanda (ICTR); and Mr. Jallow, Prosecutor of the ICTR, for their briefings. I also wish to take this opportunity to congratulate Judge Meron on his appointment as President of the International

Residual Mechanism for Criminal Tribunals, as well as Prosecutor Jallow on his appointment as Prosecutor of the Mechanism.

With respect to the work of the two Tribunals, I wish to make the following points. First, the relevant Security Council — resolution 1966 (2010) — requires that the two Tribunals complete their work by the end of 2014. That timeline must be complied with.

My delegation is delighted to learn that the ICTR is expected to complete its work by the target date, and welcomes the substantial progress it has made in referring cases to Rwanda.

As for the ICTY, its compliance with the timeline continues to face challenges. We encourage the ICTY, under President Meron's leadership, to continue to implement relevant reform measures and to further accelerate the pace of the trials of its cases. At the same time, we are pleased to note that the reform measures have already yielded initial results.

Secondly, international cooperation remains critically important. We welcome the continuing respective cooperation extended to the two Tribunals by Serbia, Croatia, Bosnia and Herzegovina and other States of the former Yugoslavia, as well as by the Democratic Republic of the Congo, Kenya and other countries of the Great Lakes region. We call upon those countries to cooperate with the two Tribunals on the handover of persons who have been sentenced and on the relocation of those who have been acquitted. We hope that the relevant United Nations agencies will continue to explore flexible and feasible ways to resolve the difficulties encountered by the two Tribunals relating to staff retention.

Thirdly, efforts must be made to ensure the smooth transition by the two Tribunals to the Residual Mechanism. The Rwanda Branch of the Residual Mechanism will soon be operational, with the ICTY Branch to be launched next year. To ensure the timely and smooth functioning of the Residual Mechanism, the two Tribunals, the United Nations Office of Legal Affairs and the Security Council Informal Working Group on International Tribunals have already accomplished a tremendous amount of work. We hope that those bodies will continue their efforts aimed at resolving outstanding issues as soon as possible.

I now resume my functions as President of the Security Council.

Before giving the floor to representatives of non-members of the Council, I wish to request all speakers to limit their statements to no more than four minutes in order to enable the Council to carry out its work expeditiously.

I now give the floor to the representative of Croatia.

Mr. Vilović (Croatia): Allow me, at the outset, to congratulate you, Mr. President, on China's assumption of the presidency of the Security Council for the month of June, as well as to express our confidence in your ability to guide the Council in fulfilling its many duties and responsibilities in these challenging times.

I would like to express my appreciation to Presidents Meron and Joensen, as well as to Prosecutors Brammertz and Jallow, for their comprehensive reports on the work of the Tribunals in the first half of the year (see S/2012/354, S/2012/349), the status of the cases before them and measures undertaken in the implementation of the completion strategy. Croatia strongly supports the diligent efforts of the Tribunals aimed at the smooth transformation of those two unique international institutions into a single body — the International Residual Mechanism for Criminal Tribunals.

In that context, we welcome the recent appointment of the Registrar, President and Prosecutor of the Residual Mechanism, as well as the full establishment of the Mechanism's roster of judges. We congratulate Mr. Hocking, Judge Meron and Prosecutor Jallow, as well as all of the elected judges, on their appointments and elections and express our full confidence in their ability to successfully master the many challenging tasks ahead of them.

Let me now turn specifically to the ICTY and its activities. Croatia welcomes the significant results achieved by the Tribunal to date and, in particular, the fact that all indicted persons have been arrested and transferred to the Tribunal. We expect swift and efficient proceedings in the three remaining first-instance cases, namely, *Karadžić*, *Mladić* and *Hadžić*, as well as the effective handling of appellate activities.

In that regard, Croatia supports the Tribunal's efforts aimed at expediting the overall pace of proceedings by introducing innovative reforms, including a waiver on the direct hiring of interns, as well as retention incentives. We welcome the continuous readiness of the Office of the Prosecutor to provide relevant information to support national investigations on war crimes as an important contribution to national efforts to end impunity.

Over the reporting period, Croatian officials at the highest level remained engaged in direct dialogue with the Tribunal and the Prosecutor, while the Ministry of Justice and the Office of the State Prosecutor continued to nurture a close and intense working relationship with the Office of the Prosecutor. Last month, Prosecutor Brammertz visited Zagreb and met with the Deputy Prime Minister for Home, Foreign and European Affairs; the Minister of Justice; the State Prosecutor and members of the Task Force.

We are pleased to note that in his report Prosecutor Brammertz has recognized the full and unequivocal cooperation of Croatia with the Office of the Prosecutor. Furthermore, according to the report, it is the Office of the Prosecutor's intention to further rely on that in order to efficiently complete the remaining trials and appeals. We see that as an important recognition of our steadfast efforts to establish efficient and comprehensive cooperation with the Tribunal and its organs in all vital areas. In that regard, I can only reaffirm our intention to continue along that path until the very end of the Tribunal's mandate, and beyond in relation to the Residual Mechanism.

As I said in my previous interventions, Croatia continues to follow with particular attention the new jurisprudence emerging from the Tribunal's work and its potential to shape future criteria for, inter alia, the lawful use of force and the waging of legitimate military action. In that context, we particularly welcome the Tribunal's attempt to further elucidate its impact and legacy, including through engaging the most eminent scholars and practitioners in the field of international criminal and humanitarian law in thorough discussions and analysis of these complex matters. Ensuing interpretations and conclusions will have a serious impact on any future conduct of hostilities, as well as noble efforts aimed at preserving or fostering international peace and security.

With regard to regional cooperation, let me stress that Croatia fully shares the view that cooperation in the region concerning war crimes and related issues is of crucial importance. At the same time, it is our understanding that such cooperation should be carried out with full respect for national jurisdictions and generally accepted principles of international criminal law, including basic principles of legitimate procedure and evidence collection.

Let me conclude by saying that Croatia is deeply committed to the process of reconciliation in the former Yugoslavia. However, we firmly believe that such reconciliation is possible only on the premise of unambiguously established historical facts and their accurate interpretation, and not on their misinterpretation or denial, in particular in the cases of most serious violations of international law, including genocide.

The President (*spoke in Chinese*): I now give the floor to the representative of Rwanda.

Mr. Gasana (Rwanda): Allow me, at the outset, to congratulate you, Mr. President, on your assumption of the presidency of the Security Council for the month of June.

My delegation wishes to thank the Presidents and Prosecutors of the International Criminal Tribunal for Rwanda (ICTR) and the International Criminal Tribunal for the Former Yugoslavia (ICTY) for their reports on the completion strategy of their respective Tribunals. I also take this opportunity to congratulate Judge Vagn Joensen on his election as President of ICTR and wish him every success in presiding over the Tribunal at this critical time.

The year 2012 has been a landmark year for the Rwandan justice system. Eighteen years after the devastating genocide perpetrated against the Tutsi, the trust and cooperation between Rwanda's national justice system and its foreign and international counterparts has reached new heights.

For the first time since the inception of ICTR, and after years of application by the Rwandan Government, the ICTR has transferred a case to Rwanda for trial. The decision to transfer Jean Bosco Uwinkindi has already paved the way for other transfers and extraditions of cases back to Rwanda, particularly the case of Bernard Munyagishari, whose transfer was decided on just yesterday. Rwanda welcomes those developments and expresses its gratitude to the Tribunal for its utmost vote of confidence in Rwanda and its justice system. I particularly want to thank the Prosecutor and his team.

Rwanda also commends the ICTR for the transfer of three other case files to Rwanda. They concern persons alleged to have committed genocide who are still at large, namely, Fulgence Kayishema, Charles Sikubwabo and Ladislas Ntaganzwa. Rwanda, with the support of Member States, vows to make every effort to apprehend those fugitives and to bring them to justice.

Rwanda welcomes the decision taken in January this year by the Quebec Superior Court to extradite Léon Mugesera to Rwanda, a genocide suspect well known for his November 1992 hate speech against the Tutsi. Our Government further welcomes the decision taken in March by the appellate court in Rouen, France, to extradite another genocide suspect, Claude Muhayimana.

Both decisions follow the 27 October 2011 ruling of the European Court of Human Rights on the case of Silvère Ahorugeze, which determined conclusively that his extradition to Rwanda would neither violate article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms, prohibiting inhuman and degrading treatment or punishment, nor article 6 on his right to a fair trial.

Based on that jurisprudence, Rwanda encourages all United Nations Member States to arrest and/or extradite all genocide fugitives and suspects living within their territory, in order to assist in the fight against impunity for the most serious crimes.

Rwanda has always recognized the tremendous job done by the ICTR Tracking Unit and welcomes its transfer to the International Residual Mechanism for Criminal Tribunals, starting 1 July. Rwanda also commends States Members of the United Nations that have arrested genocide fugitives over the past years. We urge all Governments to continue their cooperation with the Tracking Unit in arresting and transferring the remaining fugitives, including the most wanted, Félicien Kabuga.

The Government of Rwanda commends the work done by the ICTR and ICTY in ensuring a digital recordkeeping of archives and a successful transfer to the Residual Mechanism. Rwanda is fully aware that the location of ICTR archives is a sensitive issue, given that various elements are at stake, such as the classification of Governments' documents, the protection of witnesses and easy access by the public. For all those reasons, Rwanda believes that the ICTR archives shall remain the property of the United Nations.

Nonetheless, as has stated on many occasions, Rwanda reiterates its request to host the archives in Kigali upon the completion of the work of the Residual Mechanism. That location would ensure easy access for genocide survivors to records that constitute an integral part of our history and which are vital to the preservation of our collective memory — not to mention the education of future generations. As the archives will serve as a research centre for scholars and the broader international community, they will support, inter alia, the fulfilment of the mission of the United Nations to promote peace and ensure the prevention of genocide.

Rwanda has come a long way in the past 18 years. The international community has lent its unwavering support to the country's fight against impunity. After nearly two decades of operation, the ICTR and the Rwandan community-based jurisdictions — the Gacaca court — are winding down this year. Thanks to both jurisdictions and to tribunals in sister countries in Europe and North America, thousands of genocide perpetrators have been brought to book and thousands of survivors have told their stories and contributed to the process of truth, reconciliation and healing in Rwanda.

Together we must now ensure that the fight against impunity does not flag. My Government reiterates its continued commitment to supporting and expediting the work of the ICTR and the Residual Mechanism.

The President (*spoke in Chinese*): I now give the floor to the representative of Serbia.

Mr. Starčević (Serbia): At the outset, let me welcome the President and Prosecutor of the International Criminal Tribunal for the former Yugoslavia (ICTY), Judge Theodor Meron and Mr. Serge Brammertz, as well as the President and the Prosecutor of the International Criminal Tribunal for Rwanda (ICTR), Judge Vagn Joensen and Mr. Hassan Bubacar Jallow. I would also like to take this opportunity to congratulate Judge Joensen on his assumption of the presidency of the ICTR, and Judge Meron, Prosecutor Jallow and Registrar Hocking on their new appointments within the International Residual Mechanism for Criminal Tribunals.

With respect to Serbia's cooperation with the ICTY, it is my pleasure to inform the Security Council that the assessments of my Government and the ICTY's Prosecutor in his report (see S/2012/354) are once again in accord. Since the arrest of Goran Hadžić, in July 2011, there is no longer a single ICTY accused person at large. All of the indictees believed to be in Serbia were arrested by Serbian authorities and transferred to the Tribunal.

With regard to access to documents, archives and witnesses, I am pleased to say that Serbia's cooperation has been impeccable for a long time and that the level of success achieved in those areas has been maintained during the reporting period. New requests for assistance from both the ICTY Office of the Prosecutor and the defence teams for the accused are being received on a daily basis and dealt with without delay. We completely agree with the Prosecutor's assessment that "the cooperation provided by the Serbian authorities continued to fully meet expectations" (*S/2012/354, annex II, para. 48*). We believe that the defence teams would give the same assessment with regard to their cooperation with Serbian authorities.

In his May 2012 report, the Prosecutor also paid attention to the issue of the investigation of fugitive networks. Although that question does not fall within the competence of the ICTY, my Government agrees that the issue has certain weight. Since the fugitive issue has been quite a burden for Serbia for a number of years, it is important for us to find out who harboured fugitives. Despite our belief that fugitive harbouring is predominantly an internal issue, my Government has shared information on the ongoing domestic investigation into the issue with the ICTY Office of the Prosecutor in good faith, and will continue to do so.

Serbia is confident that the full level of cooperation achieved with the ICTY will continue in the coming period and that that will ensure a smooth transition to future cooperation with the International Residual Mechanism for Criminal Tribunals.

I would like to repeat that Serbia is willing to continue to cooperate with the Security Council's Informal Working Group on International Tribunals on the issues raised by the archives of the Tribunal. Serbia maintains the position it expressed to the Security Council in October 2008 and reiterates its readiness to actively participate in all future discussions on the matter. Serbia is also willing to share its experiences in cooperating with the ICTY and the results of its domestic war crime trials with other countries and international stakeholders.

My Government will continue to work on the initiative to let countries of the former Yugoslavia sign agreements on enforcement of sentences with the Tribunal. It is clear that Serbia and the entire region have greatly changed since the time when the Secretary-General suggested in his 3 May 1993 report (S/25704) to the Security Council that the enforcement of sentences should take place outside the territory of the former. That is why we continue to reiterate that the Republic of Serbia is ready to share the responsibility with other countries on that issue. We believe that Serbia and other countries of the former Yugoslavia willing to do the same should be allowed to sign agreements on enforcement of sentences with the Tribunal. Serbia would like to express its expectation that the Security Council will consider our initiative.

By virtue of its efforts and the results obtained, Serbia has contributed to the achievement of international justice, further normalization of the situation and improvement of relations between the States of the Balkans, while making significant contributions to the process of strengthening confidence in the work of national and international institutions.

Our success in cooperating with the Tribunal gives us a moral right to insistently press for effective investigations into allegations of homicide committed for the purpose of organ trafficking by the so-called Kosovo Liberation Army. Serbia expects that the ongoing investigation into those war crimes allegations referred to in the report of the Rapporteur of the Council of Europe dated 7 January 2011 will be conducted professionally, impartially and efficiently in order for the truth to be established and the perpetrators brought to justice.

We have followed the investigation launched by the European Union Rule of Law Mission in Kosovo (EULEX) and have expressed our concerns about the lack of transparency in the conduct of the inquiry. My Government hopes that many critical questions in connection with the EULEX investigation, especially those related to accountability, mandate, jurisdiction and witness protection, will receive satisfactory answers as soon as possible. Bringing the truth to light on allegations of such heinous crimes must remain our top priority.

The President (*spoke in Chinese*): There are no more names inscribed on the list of speakers. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 12.50 p.m.

United Nations

S/PV.6783

Security Council

Sixty-seventh year

Provisional

6783rd meeting

Tuesday, 12 June 2012, 10 a.m.
New York

President:	Mr. Li Baodong	(China)
Members:	Azerbaijan	Mr. Mehdiyev
	Colombia	Mr. Osorio
	France	Mr. Briens
	Germany	Mr. Berger
	Guatemala	Mr. Briz Gutiérrez
	India	Mr. Kumar
	Morocco	Mr. Loulichki
	Pakistan	Mr. Tarar
	Portugal	Mr. Cabral
	Russian Federation	Mr. Zhukov
	South Africa	Mr. Laher
	Togo	Mr. Mbeou
	United Kingdom of Great Britain and Northern Ireland	Sir Mark Lyall Grant
	United States of America	Mrs. DiCarlo

Agenda

Non-proliferation/Democratic People's Republic of Korea

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-506.

12-36366 (E)

Please recycle

The meeting was called to order at 10.05 a.m.

Adoption of the agenda

The agenda was adopted.

Non-proliferation/Democratic People's Republic of Korea

The President (*spoke in Chinese*): The Security Council will now begin its consideration of the item on its agenda.

Members of the Council have before them document S/2012/423, which contains the text of a draft resolution submitted by the United States of America.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. I shall put the draft resolution to the vote now.

A vote was taken by show of hands.

In favour:

Azerbaijan, China, Colombia, France, Germany, Guatemala, India, Morocco, Pakistan, Portugal, Russian Federation, South Africa, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America

The President (*spoke in Chinese*): The draft resolution received 15 votes in favour. The draft resolution has been adopted unanimously as resolution 2050 (2012).

The Security Council has thus concluded the present stage of its consideration of the item on its agenda. The Security Council will remain seized of the matter.

The meeting rose at 10.10 a.m.

United Nations S/PV.6784

Security Council

Sixty-seventh year

Provisional

6784th meeting

Tuesday, 12 June 2012, 10.10 a.m.
New York

President:	Mr. Li Baodong	(China)
Members:	Azerbaijan	Mr. Mehdiyev
	Colombia	Mr. Osorio
	France	Mr. Briens
	Germany	Mr. Berger
	Guatemala	Mr. Rosenthal
	India	Mr. Kumar
	Morocco	Mr. Loulichki
	Pakistan	Mr. Tarar
	Portugal	Mr. Cabral
	Russian Federation	Mr. Zhukov
	South Africa	Mr. Laher
	Togo	Mr. Mboou
	United Kingdom of Great Britain and Northern Ireland	Sir Mark Lyall Grant
	United States of America	Mrs. DiCarlo

Agenda

The Situation in the Middle East

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Please recycle

The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East

The President (*spoke in Chinese*): In accordance with article 37 of the Security Council's provisional rules of procedure, I invite the representative of Yemen to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

Members of the Council have before them document S/2012/417, which contains the text of a draft resolution submitted by France, Germany, Morocco, Portugal, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. I shall put the draft resolution to the vote now.

A vote was taken by show of hands.

In favour:

Azerbaijan, China, Colombia, France, Germany, Guatemala, India, Morocco, Pakistan, Portugal, Russian Federation, South Africa, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America

The President (*spoke in Chinese*): The draft resolution received 15 votes in favour. The draft resolution has been adopted unanimously as resolution 2051 (2012).

I now give the floor to the representative of Yemen.

Mr. Al-Sallal (Yemen) (*spoke in Arabic*): At the outset, I would like to commend you, Sir, and the Chinese delegation on your presidency of the Security Council this month. I would also like to congratulate Ambassador Mehdiyev and the delegation of Azerbaijan on their successful leadership of the Council in May.

The Council has wisely adopted today's resolution 2051 (2012), concerning my country, and the Republic of Yemen welcomes it. I would like to reiterate what was said in a previous presidential statement (S/PRST/2012/8), namely, that Yemen has made significant progress. Nevertheless, numerous difficulties persist, as do many challenges that must still be overcome. In order to tackle those problems, we must underscore the importance of the support that has been given to the efforts of President Abdrabuh Mansour Hadi Mansour and to the national unity Government. Those challenges are as follows.

First, the deterioration in the humanitarian situation in our country presages a disastrous scenario that will significantly affect food security in many regions of Yemen. Nor should we forget the increase in the number of refugees and internally displaced persons. In that context, Yemeni citizens are suffering from electricity blackouts, which are frequent, as well as from a lack of water services, oil products, household gas supplies, health care and hygiene.

Secondly, the security situation in Yemen remains complicated and difficult. Further sustained efforts will be necessary in order to restore security and stability so as to expel the armed groups from the towns and put an end to the divisions within the army. The national dialogue process excludes no one and it will go forward and make progress, thanks to the restructuring of the armed forces, so that together we will be able to establish a modern State of Yemen with institutions based on liberty, justice and equality, as well as ensuring the implementation of the rule of law and order.

Thirdly, Al-Qaida in the Arabian Peninsula poses a real threat to national stability. It also jeopardizes the daily lives of citizens in their movements and efforts to eke out their livelihoods. Yemen therefore needs support in further strengthening its economy. As has been said, we cannot combat Al-Qaida through military force alone; we must also establish development and cultural programmes, education and recovery projects as well as other types of initiative.

We must therefore further strengthen the Government's capacity to reinforce such programmes. Moreover, I welcome the efforts of the brave military and security forces who, working alongside the national committees, are carrying out heroic feats in Abin province. In that regard, I should like to convey my condolences to the family members of those who have been martyred; may they rest in peace. I also wish a speedy recovery to those who have been injured.

Fourthly, 1 million refugees from the Horn of Africa are also adding to the burden on our Government. The international community must therefore coordinate its efforts to help support our economy. We welcome the role played by our brothers and friends in the friends of Yemen group, which plans to hold a donor conference from 27 to 29 June in the friendly country of Saudi Arabia. We hope that the meeting will further support the aspirations of the Yemeni people and that it will help to meet their needs by establishing economic and political stability. Furthermore, necessary financing must be provided for those programmes in order to respond to the needs pursuant to the document adopted by our Government. The amount required exceeds $7 billion.

The President (*spoke in Chinese*): There are no more speakers on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 10.20 a.m.